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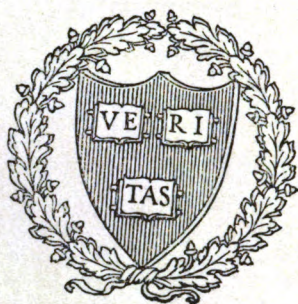
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JOURNAL
OF THE
LEGISLATIVE COUNCIL
OF
THE TERRITORY OF MICHIGAN,
BEING THE SECOND SESSION OF THE SECOND COUNCIL.



BEGUN AND HELD
AT THE CITY OF DETROIT,
JANUARY 1, 1827.

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JOURNAL

OF THE

SECOND LEGISLATIVE COUNCIL.

SECOND SESSION.

BEGUN and held at the Council-House, in the city of Detroit, on Monday, the first day of January, in the year of our Lord one thousand eight hundred and twenty-seven, agreeably to a resolution of said Council, for the adjournment of the first session thereof and the meeting of the second session, passed the 30th day of December, 1826.

At 9 o'clock A. M. the following Members of the Council appeared and took their seats :

Robert Irwin, Jr. of the county of	<i>Brown.</i>
Zephaniah W. Bunce,	<i>St. Clair.</i>
John Stockton, }	
William A. Burt, }	<i>Macomb.</i>
Abraham Edwards, }	
Harry Connor, }	<i>Wayne.</i>
Robert A. Forsyth, }	
Sidney Dole, }	<i>Oakland.</i>
William F. Moseley, }	
Wolcott Lawrence,	<i>Monroe.</i>

The throne of Grace was addressed by the Rev. Mr. Wells.

On motion of Mr. Irwin,

Resolved, That when the Council adjourns this day, it adjourn to the third Monday of the present month, at 11 o'clock A. M.

On motion of Mr. Bunce,

Resolved, That a committee of two members be appointed to wait upon the Governor of the Territory, and inform him of the day to which the Council had determined to adjourn.

The committee contemplated by the foregoing resolution were

appointed by the President, and were Messrs. Moseley and Bunce.

On motion, the Council then adjourned.

MONDAY, January 15, 1827.

The Members of the Council met this day at 11 o'clock, agreeably to adjournment on the 1st inst.

Mr. McDonell presented the petition of certain inhabitants of the third township south, range seven, east, praying that said township be set off and organised by the name of "Huron." Read and laid on the table.

On motion of Mr. Burt,

Resolved, That each member of the Council be authorised to order, for his use, any number of newspapers, printed in the Territory, not exceeding twelve, during the present session of the Council; the expense of which shall be defrayed from the contingent fund appropriated by Congress for the expenses of the Council, for the year 1827.

A message on Executive business was received by the hands of Mr. E. A. Brush.

On motion of Mr. Bunce,

Resolved, That the daily hour, to which the Council shall stand adjourned, be eleven o'clock in the forenoon, until otherwise ordered.

On motion of Mr. Bunce,

Resolved, That the following committees, constituted and appointed at the last session of this Council, be, and they are hereby constituted the standing committees for this session; and that they have leave to report on the unfinished business of the last session, and also on such business as may come before them, by bill or otherwise, viz :

Committee on the Judiciary.

Committee on the Militia.

Committee on Claims.

Committee on Roads.

Committee of Enrolment.

Committee on Territorial Affairs.

Committee on Schools.

Mr. Stockton submitted the following :

Whereas a proposition is now pending before Congress, relative to a separate Territorial Government, which includes the Northwestern part of this Territory—therefore,

Resolved, That a special committee of three members be appointed to inquire into the expediency of such proposition, and that they report upon the same to the Council.

Mr. Irwin moved that the foregoing resolution be adopted, and the motion was decided in the affirmative.

The President announced that he had appointed Messrs. Stockton, Irwin, and Forsyth, to be the select committee contemplated by said resolution.

Mr. McDonell gave notice that he should on Wednesday next, ask leave to bring in "a bill to render civil offices or appointments, derived from the Territorial authority, incompatible with the holding or exercising offices or appointments under the United States, or any of the departments thereof."

On motion of Mr. Stockton, the Council proceeded to the consideration of Executive business; and having disposed of the same,

Mr. Forsyth moved that the Council adjourn to the first Monday of February next.

Mr. Stockton moved that the consideration of the motion to adjourn, be postponed until to-morrow; and the motion was agreed to.

Mr. McDonell laid the following resolution upon the table:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a legislative act, to define the offence called "a contempt of court," and directing the mode of trial and the punishment thereof.

On motion of Mr. Burt, the Council then adjourned.

TUESDAY, January 16, 1827.

Mr. McDonell laid the following resolutions on the table:

Resolved, That a committee of three members be appointed, to be called a "Committee on Expenditures," whose duty it shall be to make contracts relative to the expenses of the Council during the session, and to whom all claims or allowances, chargeable to the contingent fund, shall be referred.

Resolved, That the committee on Claims, when reporting any bill to this Council, in relation to claims or allowances, be instructed to report particularly the items of services performed, or to be performed, or the nature of the claim, as the case may require; so that the members of the Council, as well as the people at large, may know the nature of the claim and the amount of services performed, and for which the several appropriations are made.

Resolved, That all bills of appropriation be printed, after having been reported, at least three days before the same shall be read a second time; that the members of the Council, as well as the people, may have an opportunity of examining the items of appropriation, before the same shall become a law.

On motion of Mr. Forsyth, the Council went into the consideration of the motion made yesterday to adjourn to the first day of February next.

Mr. Forsyth then moved to amend his motion, by substituting the 15th day of February at 11 o'clock A. M. in lieu of the first day of February, and the motion was agreed to.

The question was then taken on the motion to adjourn, as amended ; and it was decided in the affirmative.

Mr. Stockton called for the ayes and nays upon the question, and they were taken as follows :

Ayes—Messrs. Bunce, Connor, Dole, Durocher, Edwards, Forsyth, Lawrence, Lacroix, Moseley, McDonell—10.

Nays—Messrs. Burt, Irwin, Stockton—3.

The President then declared the Council adjourned.

THURSDAY, February 15, 1827.

Prayer by the Rev. Mr. Wells.

The President presented the petition of John P. Sheldon and Stephen Wells, booksellers and stationers of the city of Detroit, praying, that for reasons stated therein, they may be exempted from the operation of the "act for the assessment and collection of Territorial taxes." Read and laid on the table.

Mr. Durocher presented the petition of sundry inhabitants of the village of Monroe, praying that an act may be passed for the incorporation of said village. Read and referred to the committee on the Judiciary.

Mr. Lacroix presented the petition of Robert Clark, John Anderson, and Josiah Wendell, on their own behalf, and in behalf of the citizens of the village of Monroe, praying for the passage of a law to incorporate certain persons as a banking company, under the name and style of "The President, Directors and Company of the Bank of Monroe." Read and referred to the committee on the Judiciary.

Mr. Burt presented the petition of sundry inhabitants of the counties of Wayne, Oakland, and Macomb, praying for the appointment of three commissioners, to lay out a road from the city of Detroit to the northeast corner of section thirteen, in township three north and 11th range east, or to some point near thereto. Read and laid on the table.

Mr. Lawrence presented the petition of sundry inhabitants of the township of Erie, in the county of Monroe, praying that the system of township government, as existing in the State of New-York, may be extended to them, &c. &c. Read and referred to the committee on Territorial affairs.

Mr. McDonell submitted the following preamble and resolution, which were laid on the table :

"Whereas doubts are entertained in the minds of many persons, relative to the validity and legality of all the corporate bodies within this Territory, created by special legislative acts, adopted (as purported) by the Governor and Judges ; a number of which acts of incorporation paralise the enterprise and industry of the citizens,

particularly of the farming class of our community, by impeding the communication and free intercourse that is so necessary to the growth and prosperity of a country but thinly populated, and where every encouragement to a vigorous and active emigration is so very desirable; and whereas the said grievances have become a source of complaint by the people in general—and that certain conditions are annexed to many of said charters, which may never have been complied with:

Therefore Resolved, That a select committee of three be appointed, whose duty it shall be to examine particularly into said acts of incorporation, and the propriety of repealing said acts, or any of them—or of confirming any that may be found beneficial to the public; and that said committee be authorised to send for persons and papers, and to report by bill or otherwise."

Mr. Forsyth presented the claim of James May, Jr. for serving as crier to the Circuit Court for Wayne county. Referred to the committee on Claims.

Mr. Stockton moved that a committee of three be appointed to superintend the printing which may be required during the present session of the Legislative Council. The motion was agreed to, and

Messrs. Stockton, Forsyth, and McDonell, were appointed said committee.

Mr. McDonell gave notice that he should to-morrow ask leave to bring in a bill to amend an act entitled "an act to regulate the assessment and collection of Territorial taxes."

On motion of Mr. Irwin,

Resolved, That the committee on Printing be instructed to inquire into the expediency of having the daily proceedings of the Council published in the French language, and the additional expense that would be incurred in the execution thereof.

Mr. Forsyth moved that a special committee of three be appointed to superintend the translating of such papers, &c. from the English into the French language, as may be required by the Council during the present session. The motion was agreed to, and

Messrs. Forsyth, Moseley, and Lacroix, were appointed said committee.

On motion of Mr. Burt, the Council then proceeded to the consideration of Executive business; and having disposed of the same,

On motion of Mr. Irwin, the following resolutions, submitted by Mr. McDonell, on the sixteenth ultimo, were taken up:

"Resolved, That a committee of three members be appointed, to be called a "Committee on Expenditures," whose duty it shall be to make contracts relative to the expenses of the Council during the session, and to whom all claims and allowances, chargeable to the contingent fund, shall be referred.

Resolved, That the committee on Claims, when reporting any bill to this Council, in relation to claims or allowances, be instructed to report particularly the items of services performed, or to be per-

formed, or the nature of the claim, as the case may require ; so that the members of the Council, as well as the people at large, may know the nature of the claim and the amount of services performed, and for which the several appropriations are made.

Resolved, That all bills of appropriation be printed, after having been reported, at least three days before the same shall be read a second time ; that the members of the Council, as well as the people, may have an opportunity of examining the items of appropriation, before the same shall become a law."

Mr. Irwin moved to amend by striking out all of the 2d and 3d of the foregoing resolutions ; whereupon

Mr. McDonell moved that leave be given him to withdraw said 2d and 3d resolutions ; and the motion was agreed to.

Mr. Moseley then moved that the consideration of the remaining resolution be postponed until to-morrow ; and the motion was decided in the affirmative.

On motion of Mr. Burt, the Council then adjourned.

FRIDAY, February 16, 1827.

Prayer by the Rev. Mr. Wells.

Mr. Burt presented the petition of sundry inhabitants of the Territory of Michigan, praying for the incorporation of certain persons as a company, for the purpose of improving the navigation of Clinton River.

Mr. Burt moved that the said petition be referred to a special committee of three members. The motion was decided in the affirmative, and

Messrs. Burt, Lawrence, and Stockton, were appointed said committee.

Mr. McDonell moved for leave to bring in a bill to amend the act entitled "an act to regulate the assessment and collection of Territorial taxes." The motion was agreed to ; and

Messrs. McDonell, Lacroix, and Connor, were appointed a committee to prepare said bill.

The Council then took up for consideration the resolution relative to the appointment of a committee on expenditures ; and

Mr. Irwin moved that said resolution be amended so as to read as follows :

Resolved, That a committee of three members be appointed, to be called the "Committee on Expenditures," whose duty it shall be to contract for committee rooms, stationery, fuel, and such other conveniences as may be required by this Council, and which is authorised to be paid for out of the contingent fund ; and that accounts made in pursuance of contracts by said committee, be referred to, and passed upon by them.

Mr. Stockton moved that the resolution submitted as an amend-

ment, be amended by striking out all after the words "contingent fund." The motion was agreed to.

Mr. McDonell called for the ayes and nays on the motion to strike out, and they were taken as follows:

Ayes—Messrs. Burt, Bunce, Connor, Edwards, Forsyth, Irwin, Moseley, Stockton—8.

Nays—Messrs. Durocher, Lawrence, Lacroix, McDonell—4.

The question was then taken on the adoption of the resolution as amended, and it was decided in the affirmative.

The President announced that Messrs. Irwin, Moseley, and Durocher, were appointed the committee on Expenditures.

The preamble and resolution, relative to certain acts of incorporation, adopted by the Governor and Judges of this Territory, submitted yesterday by Mr. McDonell, were taken up.

Mr. Moseley moved that the resolution be amended by inserting the words "or amending," after the words "of repealing," in said resolution. The motion was agreed to, and the preamble and resolution were then adopted; and

Messrs. McDonell, Lawrence, and Bunce, were appointed the committee to make the inquiry contemplated in said resolution.

Mr. Irwin laid on the table the following resolution:

Resolved, That the committee on Expenditures be instructed to inquire whether there does exist any necessity for the employment, at this time, of more than three Clerks, by the Council, and to report thereon.

Mr. Forsyth moved that Friday, in each week, be set apart for the consideration of Executive business; and the motion was decided in the affirmative.

Mr. McDonell laid on the table the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of postponing the further consideration of the code of laws, reported by the Commission of Revision, until the next session of the Legislative Council.

On motion of Mr. Irwin, the Council then adjourned.

SATURDAY, February 17, 1827.

Mr. Lawrence stated that he had received a communication from the President of the Council, requesting him to occupy the Chair to-day; he, the President, being prevented from attending, in consequence of illness in his family.

The Council was called to order by Mr. Lawrence.

Prayer by the Rev. Mr. Wells.

Mr. Conner presented the petition of sundry inhabitants of the counties of Wayne, Oakland, and Macomb, praying for the appointment of three commissioners, to lay out a road from the city of De-

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troit to the northeast corner of section 13, in township 3 north, and 11th range, east. Said petition having been read,

Mr. Burt moved that it be referred; together with the petition upon the same subject, which was laid on the table on the 15th inst. to the committee on Roads and Highways. The motion was agreed to.

Mr. Moseley, from the committee on the Judiciary, to whom the petition upon the subject had been referred, reported "a bill to incorporate the Stockholders of the Bank of Monroe." Said bill was read the first time, and on motion, it was read the second time by its title, and recommitted to the committee on the Judiciary.

Mr. McDonell laid on the table the following preamble and resolutions:

"Whereas great delay and inconvenience is experienced in this Territory in the proceedings of the Supreme Court, by intermingling therewith the business of the Circuit and District Court of the United States: and whereas, by the increased and increasing population of the Territory, the undivided attention of the Judges of the Supreme Court, is and will be required to the concerns of the Territory: and whereas, for the aforesaid reasons, as well as the extension of commerce, navigation, and trade of the Territory, the exigencies of the country demand that the business of the two Courts should be separated, and that all crimes and offences against the United States, and civil causes of admiralty and maritime jurisdiction, including all seizures under the laws of impost, navigation, and trade, and indeed all cases now cognisable in the District Courts of the United States, should be made cognisable in a Court to be established under the authority of the United States, vested with the sole and exclusive jurisdiction of the causes aforesaid; and, inasmuch as the establishment of such a Court would be attended with little more expense to the government of the United States, than is incurred now by the existing Courts: Therefore,

Resolved, That a committee of three members be appointed, to draft a memorial to the Congress of the United States, respectfully requesting that a law be passed, establishing a District Court of the United States, in and for the Territory of Michigan, with the same powers and jurisdiction as are now by law conferred upon and exercised by the several District Courts established in the respective States.

Resolved, That until such a law be passed, that the said Supreme Court of the Territory, when acting as such, shall be exclusively confined to the exercise of the powers and jurisdiction with which it is invested by the laws of the Territory, and no other. And that there shall not be entered in the dockets, journal, or other books belonging or appertaining to said Court, any judgment, matter, or thing, but such as originated or was moved in, was decided by, or which properly belongs to said Court. And as an act of Congress already gives to the said Supreme Court, the same jurisdiction as is

conferred on the District Court of Kentucky, and by an act of the 3d of March, 1797, the terms of said Court are to be holden on the second Monday in March, the third Monday in June, and the third Monday in November, the said Supreme Court, when sitting as a Circuit and District Court of the United States, should be governed by the laws prescribing its jurisdiction and designating its terms of meeting, which, if complied with, would put the two jurisdictions at distinct periods, without the interference of the Council."

Mr. Connor submitted the following resolution, which was laid on the table :

Resolved, That a select committee of three be appointed, to inquire into the expediency of amending the law relative to the white-fishery, so as to secure to every person, his or her right to use such fishing grounds as he or she may own, to the centre of the River ; and to prohibit any obstructions being placed in the River, which may in any way prevent the running of the fish.

The "bill concerning Promissory Notes," was taken up and considered on its third reading.

Mr. McDonell moved to amend said bill by striking out the words "factor or agent," wherever they occur in said bill ; whereupon,

Mr. Irwin moved that the further consideration of said bill be postponed until Monday next ; and the motion was agreed to.

Mr. Burt laid on the table the following resolution :

Resolved, That the daily hour to which the Council shall stand adjourned be ten o'clock in the forenoon, until otherwise ordered by the Council.

On motion of Mr. Connor, the Council then adjourned, until 10 o'clock in the forenoon of Monday next.

MONDAY, February 19, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. Dole presented the petition of sundry citizens of the Territory, praying for the grant of a charter for a Bank at the city of Detroit, with the necessary powers as an Insurance Company. Said petition having been read,

Mr. Dole moved that the same be referred to a select committee of three members. The motion was agreed to, and

Messrs. Dole, Stockton, and Bunce, were appointed said committee.

Mr. Irwin presented the petition of sundry inhabitants of the county of Michilimackinac, praying that the members of the Mission Family in said county be debarred from the privilege of voting at elections holden therein. Read and referred to the committee on the Judiciary.

Mr. Bunce gave notice that he should, at a future day, ask leave to introduce a bill to prohibit the erection of any brewery, ashery, or

distillery within the corporate limits of the city of Detroit, and for other purposes.

Mr. Burt laid the following preamble and resolution on the table :

"Whereas the Commission to revise the Laws of this Territory, have performed the duty assigned them, and the result of their labors are now before the Council for consideration and approval, and that it is necessary and expedient that a majority or all of the bills be passed during the limited time of the present session ; therefore,

Resolved, That no original matter, by resolution, be offered by any member of the Council, except on Saturdays, during the present session.

Mr. Irwin, from the committee on Expenditures, reported, in substance, that the committee had made a contract with Sheldon & Wells to supply the necessary stationery for the Council during the present session, and with Jonathan Kearsley for a committee-room. Said report, on motion, was accepted by the Council.

The President presented the communication of William Woodbridge, Secretary of the Territory, transmitted in conformity to a resolution of the Council, passed on the 29th Dec. 1826, requesting said Secretary "to furnish the Council with a copy of all the proceedings of the Canvassers of the late election for a Delegate to the Congress of the United States of America, for the use of the members of said Council." Read and laid on the table.

The President also presented a communication from the Secretary of the Territory, containing the information that there was not a sufficient number of the bound volumes of the Laws of the Territory in his office to supply the officers recently commissioned, who are entitled to receive them ; and also, that with one exception, no sets of the laws have been returned to his office by persons who have ceased to remain incumbents of office. Read and referred to the committee on the Judiciary.

The President also presented the report of the President and Directors of the Bank of Michigan, transmitted agreeably to a resolution of the Council, adopted the 30th Dec. 1826. Read, and,

On motion of Mr. Forsyth, ordered to be published in the newspapers printed in the Territory of Michigan.

Mr. McDonell laid on the table the following resolution :

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of exempting, by law, from militia duty, and from serving as petit and grand jurors, all citizens residing within the corporation of the city of Detroit, who may be enrolled and belong to any regularly organised fire company within the limits of said Corporation.

The bill concerning Promissory Notes was taken up, and Mr. McDonell withdrew the amendment which he submitted on the 17th, and moved that the bill be amended by inserting the words, "or any person authorised," after the words "factor or agent." The motion was not supported.

The bill having received its third reading, the question on its passage was then put, and was decided in the affirmative; whereupon,

Mr. McDonell called for the ayes and nays on the question, and they were taken as follows:

Ayes—Messrs. Burt, Connor, Durocher, Dole, Edwards, Forsyth, Irwin, Lawrence, Moseley, Stockton—10.

Nays—Mr. McDonell.

The “bill for the punishment of crimes,” was taken up and considered on its third reading.

Mr. Lawrence moved that the bill be amended by striking out the words, “and to be whipped not exceeding thirty-nine stripes,” from the 25th section, and from the remaining sections of the bill wherever they may occur. The motion was agreed to.

On motion of Mr. McDonell, the bill was further amended, by adding at the close of the 49th section the following: “and shall be forever afterwards incapable of voting at any election, or of holding any office in the Territory.”

Mr. Lawrence moved that the bill be further amended by striking out the words “county commissioners,” in the 3d line of the 71st section, and substituting therefor, “Justices of the County Court, or a majority of them,” and that the proviso, commencing at the 7th line of said section, read as follows: “*Provided, That* at any time thereafter, an execution may be issued against the body, land, goods and chattels of the person so discharged from imprisonment, for the amount of such fine and costs.” The motion was decided in the affirmative.

The bill having received its third reading, the question “shall the bill pass?” was then put, and was decided in the affirmative.

A message on Executive business was received by the hands of Mr. C. C. Trowbridge.

The resolution submitted yesterday by Mr. Burt, relative to the daily hour to which the Council shall adjourn, was taken up and adopted.

On motion of Mr. Lawrence, the Council then adjourned.

TUESDAY, February 20, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. McDonell presented the petition of sundry inhabitants of the Territory of Michigan, praying that certain corporations of Bridge Companies, &c. may be abolished. Read and laid on the table.

On motion of Mr. Irwin, the resolution relative to the Clerks of the Council, submitted on the 16th inst. was taken up.

Mr. McDonell submitted as a substitute therefor the following, which was not supported:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of reducing the number of Clerks in the Legislative Council to the same number that is retained, according to general custom by all Legislative bodies—the Congress of the United States, and in the several States of the Union.

Mr. Irwin then moved, that the resolution be so amended, as to refer the subject of inquiry to the committee on the Judiciary ; and the motion was agreed to.

The question was then put on the adoption of the resolution ; and it was decided in the affirmative, whereupon,

Mr. McDonell called for the ayes and nays upon the question, and they were taken as follows :

Ayes—Messrs. Burt, Bunce, Connor, Durocher, Dole, Edwards, Forsyth, Irwin, Lacroix, Moseley, Stockton—11.

Nays—Mr. McDonell.

Mr. Stockton moved that the communication from the Secretary of the Territory, relative to the proceedings of the Canvassers of the late election for a Delegate to Congress, which was yesterday laid on the table, be referred to a select committee of three members—the motion was decided in the affirmative, and

Messrs. Stockton, Connor, and Durocher, were appointed said committee.

On motion of Mr. Dole,

Resolved, That the committee on Printing be instructed to inquire what further provisions are necessary to be made, relative to the printing for the present session of the Council.

Mr. Irwin moved that the petition of sundry inhabitants of the counties of Wayne and Washtenaw, relative to the road between Detroit and Ann Arbor, and to compensating Bethuel Farrand for his labor on said road, and which was presented to the Council on the 16th Nov. 1826, be now referred to a select committee of three members. The motion was agreed to, and

Messrs. Irwin, Dole, and McDonell, were appointed said committee.

Mr. Dole presented the account of Harvey Williams, for certain locks and keys. Referred to the committee on Claims.

On motion of Mr. McDonell, the following resolution, laid on the table on the 29th Dec. 1826, was taken up and adopted :

Resolved, That the Secretary of the Territory be requested to furnish, for the use of the Legislative Council, the proceedings of the Canvassers on the late election for members of the Legislative Council.

“A bill to prevent unjust imprisonment, by securing the writ of *habeas corpus*,” was taken up, read the third time, and passed.

Mr. Irwin, from the committee on Enrolment, reported as correctly enrolled, a bill entitled “an act concerning Promissory Notes,” and the President signed the same.

"A bill allowing mutual debts and demands to be set off, and concerning tenders," was taken up on its third reading.

Mr. Lawrence moved that the bill be amended by inserting the word "judgment," after the words "of any," in the 5th line of the 1st section; and the motion was agreed to.

The bill was then read the third time and passed.

The following entitled bills were taken up, and severally read the third time and passed, viz :

A bill for the better apprehending of felons and other offenders.

A bill for the prevention of frauds.

A bill to enable grantees of reversions and lessees, mutually to avail themselves of covenants and conditions.

"A bill to authorise aliens to purchase and hold real estate in this Territory," was taken up, and on motion, the further consideration thereof was postponed until to-morrow.

The resolution submitted yesterday by Mr. McDonell, relative to exempting members of fire companies from militia duty, &c. was taken up and adopted.

On motion of Mr. Bunce, the Council then adjourned.

WEDNESDAY, February 21, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. McDonell presented three petitions from John Brown and others, relative to town government, town elections, and concerning the white fishery, &c. Referred to the committee on Territorial affairs.

Mr. Connor presented the petition of Samuel Phelps, praying, that for the reasons stated therein, an act may be passed, restoring certain causes which had been decided against him in the County Court of Wayne county, to the docket of said Court; and that new trials be granted therein. Read and referred to the committee on the Judiciary.

Mr. Forsyth presented the petition of Nathaniel Champ, praying, that for reasons stated therein, the Territorial tax which had been assessed against him, be remitted. Said petition having been read,

Mr. Forsyth moved that it be referred to a select committee of two members. The motion was agreed to, and

Messrs. Forsyth and Irwin were appointed said committee.

Mr. Forsyth presented the petition of sundry inhabitants of Brownstown, and of those residing on the River Huron, praying to be set off and organised as a separate town. Read and referred to the committee on Territorial affairs.

Mr. Dole presented the communication of John Farmer, containing certain propositions relative to furnishing maps. Read and referred to the committee on Territorial affairs.

Mr. Bunce gave notice that he should, at a future day, ask leave

to introduce a bill authorising the Justices of the County Courts, or any two of them, to grant licenses to persons residing without the limits of any incorporated city, to keep grocery stores, under certain limitations and restrictions.

Mr. Dole, from the committee on the Judiciary, and the committee on Territorial affairs, to whom the subject was referred, reported "a bill relative to the duties and privileges of Townships"—which was read the first time. Said bill was then, on motion, read the second time by its title, and recommitted to the said committees.

Mr. Moseley, from the committee on the Judiciary, to whom the bill had been recommitted, reported, without amendment, "a bill to incorporate the Stockholders of the Bank of Monroe," which was laid on the table.

Mr. Moseley, from the committee on the Judiciary, to whom the subject was referred, also reported, "a bill to incorporate the Village of Monroe." Said bill was read the first time, and the second time by its title, and recommitted to the same committee.

Mr. Stockton, from the committee on Printing, submitted the following report:

REPORT.

"The committee, to whom was referred the resolution of the 20th inst. directing them to make inquiries, and report what further provisions are necessary to be made relative to the printing for the present session of the Council, have had the subject under consideration, and report:

That from an examination of the report of the committee appointed to contract at the last session of the Council, for the printing, your committee are satisfied, that the contracts made in accordance with the said report, expired with the session. Your committee would recommend the revival and continuance of said contracts, with the exception of reports, leaving the printing thereof to the special order of the Council."

Mr. Stockton, from the committee on the Judiciary, to whom the subject was referred, submitted the following report:

REPORT.

"The committee to whom was referred the resolution instructing them to make inquiries relative to the number of Clerks necessary to be employed by the Council, have had the same under consideration, and from an investigation of the subject, have thought proper to submit the following resolution:

Resolved, That it is inexpedient, at this time, to discharge any of the Clerks heretofore employed by the Council, during the present session."

The said report was laid on the table.

The "bill to enable infants, who are seized or possessed of estates in trust, or by way of mortgage, to make conveyances of the same," was taken up and read a third time.

On motion of Mr. McDonell, the further consideration of said bill was postponed until to-morrow.

The "bill to provide for the partition of lands," was taken up as in committee of the whole; and,

Mr. Lawrence moved, that the bill be amended by adding thereto the following section, viz :

"SECT. 19. That nothing in this act contained, shall be construed to affect the powers of Judges of Probate to cause partition to be made, agreeably to such laws as are or may be in force, defining the powers and duties of Judges of Probate, but partition in such cases shall be made as though this act had not passed."

The motion was decided in the affirmative; and the bill was then, on motion, ordered to be engrossed and read the third time on Monday next.

The resolution heretofore submitted by Mr. Connor, relative to the White Fishery, was taken up.

Mr. McDonell moved to amend said resolution, so as to refer the enquiry therein contained, to the committee on Territorial affairs. The motion was agreed to, and the resolution was then adopted.

Mr. Stockton moved that the report from the committee on printing, submitted this day, be accepted; and the motion was decided in the affirmative.

Mr. Irwin moved that the rule which was adopted, by motion, on the 16th inst. restricting the Council to Fridays for the transaction of Executive business, be dispensed with to-day. The motion was agreed to.

On motion of Mr. Irwin, the Council then went into the consideration of Executive business; and having disposed thereof,

On motion of Mr. Bunce, the Council then adjourned.

THURSDAY, February 22, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. McDonell presented the petition of sundry inhabitants of the Territory of Michigan, praying that certain charters granted to toll bridges companies, &c. may be abolished. Read and laid on the table.

Mr. McDonell, from the select committee to prepare "a bill in addition to an act entitled 'an act to regulate the assessment and collection of Territorial taxes,'" reported said bill, which was read the first time. On motion, it was then read the second time by its title, and referred to the committee on the Judiciary.

Mr. Dole, from the committee on Territorial affairs, to whom had been referred certain papers of John Brown and others, laid said papers on the table, and moved that they be read, with a view to have them referred to other committees. The motion was decided in the affirmative.

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The papers were then read, and referred as follows : Those relating to town government, town elections, &c. to the committee on Territorial affairs, and that relating to the White Fishery, Juries, &c. to the committee on the Judiciary.

The "bill authorising aliens to purchase and hold real estate in this Territory," was taken up.

Mr. Forsyth moved that the bill be amended by substituting the following, after the enacting clause, viz :

"That any alien who has heretofore made, or who may hereafter make, the declaration of his intention to become an American citizen, agreeably to the laws of the United States on the subject of naturalization, may purchase, or acquire, any lands, tenements, or hereditaments, in this Territory, and shall have the same rights and privilege respecting the same, which are possessed by citizens of the United States. *Provided*, That nothing herein contained shall be construed to confer on any alien any other right or privilege, appertaining to citizens of the United States, except that of taking, holding, or disposing of real estate within this Territory.

"SECT. 2. That the title of any alien to lands, tenements, or hereditaments, within this Territory, shall remain as valid as if this act had not passed ; and such lands, tenements, and hereditaments, as well as those which may be hereafter acquired, under this act, may descend, and be distributed, or devised, as well to aliens as to others."

The bill and the amendment were then, on motion, referred to the committee on the Judiciary.

A message on Executive business was received by the hands of Mr. C. C. Trowbridge.

The "bill concerning Sheriffs," was taken up, and recommitted to the committee on the Judiciary.

Mr. McDonell gave notice that he should, to-morrow, ask leave to bring in "a bill securing to mechanics and others, payment for their labor and materials, in erecting any house or other building, within the county of Wayne."

Mr. Lawrence, from the committee on the Judiciary, reported without amendment, the "bill concerning Coroners." Said bill was then considered in committee of the whole, and recommitted to the committee on the Judiciary.

Mr. Lawrence, from the committee on the Judiciary, also reported, without amendment, the "bill to enforce the observation of the Sabbath," which was considered in committee of the whole, and recommitted to the committee on the Judiciary.

Mr. Dole moved that the rule confining the transaction of Executive business to Fridays, adopted on the 16th inst. be hereafter dispensed with ; and the motion was agreed to.

On motion of Mr. Lawrence, the Council proceeded to the consideration of Executive business.

On motion of Mr. Lawrence, the Council then adjourned.

FRIDAY, February 23, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. Forsyth presented the petition of John Biddle, David C. M'Kinsty, and Henry Chipman, as a committee on behalf of the citizens of Detroit, praying that an act may be passed, incorporating a company to erect a steam mill in or near the city of Detroit; and that if a company with banking privileges be hereafter incorporated, in the city of Detroit, said company may be required to subscribe for an amount of stock of the said Steam Mill Company, not to exceed four thousand dollars. Read and referred to the committee on the Judiciary.

Mr. Moseley, from the committee on the Judiciary, reported, with amendments, "a bill concerning Coroners." The amendments were, on motion, accepted, and the bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Dole, from the committees on the Judiciary and on Territorial affairs, to whom had been committed "a bill relative to the duties and privileges of townships," reported said bill without amendment. Said bill was then laid on the table.

Mr. Moseley, from the committee on the Judiciary, reported, with amendments, "a bill to enforce the observation of the Sabbath." Said amendments were concurred in, and the bill was then ordered to be engrossed and read the third time to-morrow.

Mr. Moseley, from the committee on the Judiciary, reported the following bills, which were severally taken up and ordered to be engrossed for a third reading on Monday next, viz:

A bill regulating Marriages.

A bill concerning deeds and conveyances.

A bill to deliver up fugitives from justice.

A bill to punish the venders of unwholesome liquors and provisions.

Mr. Moseley also reported, from the committee on the Judiciary, without amendment, "a bill to prevent firing woods and prairies," which was taken up and ordered to be engrossed and read a third time on Tuesday next.

Also, "a bill concerning Sheriffs," which was taken up and ordered to be engrossed and read a third time on Wednesday next.

The "bill to enable infants who are seized or possessed of estates in trust, or by way of mortgage, to make conveyances of the same," was taken up, read the third time, and passed.

Mr. Irwin, from the committee of Enrolment, reported, as correctly enrolled, a bill with the following title: "An act to enable grantees of reversions and lessees, mutually to avail themselves of covenants and conditions"—and the President signed the same.

Mr. Dole, from the committee on Territorial affairs, to whom had been referred certain proposals of John Farmer for furnishing maps,

made a report adverse to the acceptance of said proposals ; which report was accepted, and the said Farmer had leave to withdraw his said proposals.

Mr. Lawrence, from the committee on the Judiciary, reported, without amendment, "a bill for the relief of Insolvent Debtors," which was taken up and considered in committee of the whole. The bill was laid on the table for further consideration.

The "bill concerning apprentices and servants," was taken up and considered in committee of the whole.

Mr. Lawrence moved that the bill be amended, by striking out the words, "the County Commissioners," in the 5th line of the 1st section, and in the 13th line of said section, and that in those lines there be inserted, in lieu of the words stricken out, the following: "any two Justices of the Peace, or any Justice of the County Court." And the motion was decided in the affirmative.

Mr. McDonell then moved that the bill be further amended by adding at the close of the 5th section thereof, the following:

"And if the servant or apprentice shall be found to be delinquent, he or she shall be sentenced by the said court, to serve, at its discretion, so much longer time as the court shall deem proper."

And also, to add to said bill the following:

"SECT. 6. That if any apprentice desert his or her master or mistress, before the expiration of his or her service, according to the stipulations of his or her indentures, and be not released before they respectively arrive at the age, according to the terms thereof, they shall be liable, after they arrive at full age, to an action of covenant, or an action on the case, for special damages for a breach of covenant, for the loss of service of such apprentice."

The bill was then, with the proposed amendments, laid on the table for further consideration.

Mr. McDonell moved for leave to bring in "a bill securing to mechanics and others, payment for their labor and materials in erecting any house or other building within the county of Wayne." The motion was agreed to, and

Messrs. McDonell and Lawrence were appointed a committee to prepare said bill.

On motion of Mr. Lawrence, the Council then adjourned.

SATURDAY, February 24, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. McDonell presented the petition of sundry inhabitants, mechanics of the county of Wayne, praying that a law may be passed, "giving to mechanics and others, bestowing labor upon houses and other buildings in said county, a lien upon the same until satisfied for the services performed." Read and referred to the select committee appointed to prepare a bill upon the subject.

The President presented the communication of Wm. Woodbridge, Secretary of the Territory, transmitted in accordance with the following resolution, adopted Feb. 20, 1827 :

"Resolved, That the Secretary of the Territory be requested to furnish, for the use of the Legislative Council, the proceedings of the Canvassers on the late election for members of the Legislative Council."

Said communication was read, and, on motion, it was referred to the committee on the Judiciary.

The President also presented a communication from the Mayor of the city of Detroit, accompanied by a resolution of the Common Council of said city, and a rectangular plan of said city, agreeably to the alteration petitioned for by sundry citizens thereof. The communication was read, and was with the plan, referred to the committee on the Judiciary.

Mr. Burt, from the select committee to whom a petition upon the subject had been referred, reported "a bill to incorporate the Clinton River Navigation Company," which was read the first time. Said bill was then, on motion, read the second time by its title and recommitted to the same committee.

Mr. Dole, from the committee to whom the petition upon the subject was referred, reported "a bill to incorporate the Stockholders of the Detroit Banking and Insurance Company." Said bill was read the first time, and, on motion, the second time by its title, and recommitted.

Mr. Dole, from the committee on Territorial affairs, reported "a bill concerning Seals," which was read the first time; and, on motion, it was then read the second time by its title, and recommitted.

Mr. Forsyth, from the committee to whom the subject had been referred, made a report, accompanied by certain proposals, relative to translating and printing the proceedings of the Council in the French language; which was laid on the table.

Mr. Lawrence, from the committee on the Judiciary, reported with amendments, "a bill to incorporate Medical Societies, for the purpose of regulating Physic and Surgery in the Territory of Michigan." The bill was then read the second time, and laid on the table for further consideration.

The report relative to the translating and printing the proceedings of the Council in the French language, was taken up, on a motion to accept the same; whereupon,

Mr. Irwin moved that the consideration thereof be indefinitely postponed.

Mr. McDonell moved to amend the latter motion by recommitting the report to the committee by whom it was made; and the motion was agreed to.

The "bill to enforce the observation of the Sabbath," was taken up, read the third time, and recommitted to the committee on the Judiciary.

Mr. Lawrence, from the committee on the Judiciary, reported with amendments, "a bill to prevent gaming." The bill was then read the third time.

Mr. McDonell moved that the bill be further amended, by adding thereto the following, as the 9th section :

"SECT. 9. That any person indicted and convicted, under the provisions of this act, for any violation of the same, shall be incapable of voting at any election for three years after such offence shall have been committed, and from holding any office in the Territory for six years thereafter, and his office to be vacated, if an officer of the Territorial Government."

The bill was then, with the amendments, laid on the table.

On motion of Mr. Lawrence, the Council then proceeded to the consideration of Executive business ; and having disposed of the same,

On motion of Mr. Lawrence, the Council adjourned until Monday next.

MONDAY, February 26, 1827.

Prayer by the Rev. Mr. Coston.

The President presented the petition of Jeremiah V. R. Ten Eyck, (accompanied by sundry papers,) relative to certain proceedings of the Judges of the Supreme Court of the Territory, praying, that for reasons stated therein, a fine of one hundred dollars, which he had been sentenced to pay by said Supreme Court, may be remitted. Read and referred to the committee on the Judiciary.

Mr. McDonell presented the petition of sundry inhabitants of the Territory, praying that certain charters granted to toll bridge companies, &c. may be abolished. Laid on the table.

Mr. Dole presented a petition of John Brown and others, relative to township government. Read and laid on the table.

Mr. Dole also presented the petition of sundry inhabitants of the county of Oakland, praying that the act adopted by the Governor and Judges, the 9th day of March, 1822, entitled "an act to authorise the County Commissioners of the county of Oakland to lay a tax of one per centum within the said county," may be continued in force. Read and laid on the table.

Mr. Dole, from the committee on Territorial affairs, reported "a bill concerning Seals," without amendment. Said bill was then considered in committee of the whole; and ordered to be engrossed and read a third time on Thursday next.

The "bill relative to the duties and privileges of townships," was taken up in committee of the whole.

Mr. Dole moved that the bill be amended by filling the blanks in the 4th line of the 1st section so as to read, "on the first Monday of April ;" and the motion was agreed to.

Mr. Dole moved that the bill be further amended, by inserting, after the words "township meeting," in the 2d line of the 2d section, the following, viz. "between the hours of nine and twelve o'clock in the forenoon," and that in the 4th line of said section, after the word "moderator," there be inserted the following, viz. "who, with the township clerk, and such justices of the peace as shall be present, shall." The amendment was concurred in.

Mr. Dole then moved that the bill be further amended, by inserting the following as the 3d and 4th sections, and that the numbers of the subsequent sections be altered to correspond :

"SECT. 3. That previous to receiving any votes, the elector chosen pursuant to the foregoing section, and the township clerk, shall severally take an oath or affirmation, before any officer legally qualified to administer the same, faithfully to discharge the duties of their respective offices, in the form following, viz: "You A. B. do solemnly swear (or affirm) that you will perform the duties of judges of this election, according to law and the best of your abilities; and that you will endeavor to prevent any fraud, or abuse whatever in conducting the same"—which oath or affirmation, the person required to be chosen by the foregoing section and the township clerk, in the absence of all other officers legally authorised to administer oaths, are hereby authorised and empowered to administer to each other.

"SECT. 4. That immediately after the close of the poll, which shall not be kept open later than sun-set, the judges of the election shall proceed to canvass the votes, and ascertain the persons who shall have received the greatest number of votes for the several offices required to be elected by this act; a list of which shall be recorded by the township clerk, in a book to be kept for that purpose. And it shall be the duty of the said township clerk to notify the several officers of their election, within ten days after the same shall be ascertained."

On motion of Mr. Lawrence, the bill was further amended, by striking out the word "two," and inserting in lieu thereof the word "one," in the 1st line of the 5th section, (as the number of the sections have been amended,) and the word "place" was stricken out and the word "township" inserted in lieu thereof, in the 18th line of the last section.

On motion of Mr. Dole, the bill was then ordered to be engrossed and read a third time to-morrow.

The bills with the following titles were severally taken up, read the third time, and passed, viz :

A bill to enforce the observation of the Sabbath.

A bill concerning deeds and conveyances.

A bill to deliver up fugitives from justice.

A bill to punish venders of unwholesome liquors and provisions.

Mr. Dole laid on the table the following resolution :

Resolved, That after Wednesday next, the Legislative Council

will hold two sessions daily—the afternoon session to commence at two o'clock.

On motion of Mr. Forsyth, the Council then proceeded to the consideration of Executive business; after which,

On motion of Mr. Burt, the Council adjourned.

TUESDAY, February 27, 1827.

Prayer by the Rev. Mr. Coston.

Mr. McDonell presented the petition of Solomon Sibley and Daniel Le Roy, as a committee on behalf of the Trustees of the University of Michigan, praying for certain alterations in the charter of said University. Read and referred to the committee on Schools.

Mr. McDonell presented the claim of John B. Vallee, for translating for the Legislative Council. Referred to the committee on claims.

The President presented the account of John R. Williams, for services as Adjutant General and acting Inspector General of the Territory. Referred to the committee on Claims.

Mr. Stockton, from the select committee to whom had been referred the communication from the Secretary of the Territory, relative to the canvassing of the votes given at the last election for a Delegate to the Congress of the United States, made the following report:

REPORT.

The committee to whom was referred the proceedings of the Canvassers of the late election for a Delegate to Congress, have had the subject under consideration, and report—

That in all governments, founded upon principles like those of the United States, it is the province of the immediate representatives of the people, in their legislative assemblies, to take cognizance of the conduct of public officers, and to bring the delinquent to justice. In the present political condition of our Territory, the power which renders this prerogative effective, is vested in the House of Representatives of the National Legislature. But it cannot be concealed, that the provision of the Constitution, to which reference is here made, is, as regards ourselves, virtually a dead letter. In the absence of any domestic authority, expressly empowered to examine into official malversation, your committee conceive, that it cannot be justly regarded as an unwarrantable deviation from the strict letter of the duties of this Council, to inquire into alleged violations of official obligation, and if such are found to have been committed, to point the public reprobation against the offender. So far from viewing such a course as objectionable, your committee believe, that the spirit of our institutions imposes an obligation upon this body, as the representatives of the people, to investigate supposed abuses of the public functionaries of the Territory, seriously

affecting the rights or interests of its constituents, and to use, if occasion should demand it, that power which it possesses, in its moral influence with the community. With these views, the committee have given their most serious attention to the documents referred to it, and have carefully and candidly considered the grounds which they afford for the allegations which have been publicly preferred, charging upon the persons whose duty it is made by law, to examine and report upon the returns of Territorial Elections, a corrupt partiality in the discharge of that duty. Upon the most mature consideration, it is established, in the opinion of your committee, that the 18th section of the act of the 6th April, 1820, by which the powers and duties of the persons, usually called canvassers, are defined, is sufficiently explicit, if viewed solely with a desire to arrive at a correct result, but that its provisions admit of a perverted interpretation, and ought to be revised in order to guard against so serious an evil. It appears that the Secretary and Treasurer of the Territory, alone, formed the board constituted by the section before recited, on the occasion of the examination of the returns of the late election for a delegate to Congress from this Territory. Charges of the most serious nature have been made against these officers in relation to the discharge of their duties; and the investigations and reflections of the committee, have resulted in a conviction adverse to the purity of their conduct. Opinions diametrically opposed to each other were given by the Secretary on this and on a former occasion (supported in both instances by a labored argument) in relation to the powers conferred on himself and his associates, under circumstances strongly exciting a suspicion, that the law of the land upon one of the subjects most interesting to a free people, was made subservient to the interest or passions of the moment. Your committee would rejoice in being able justly to attribute this suspicion to the excitement incidental to a contested election; but according to their best judgment, a dispassionate examination of the subject leads inevitably to a conviction, that in the interpretation of the law by which their powers are conferred, as well as of other statutes which their decision on the first brought within their purview, the proceedings of the canvassers are characterized by an absence of that temperate and impartial spirit which the occasion so imperiously demanded. The partial and unequal weight given to the testimony which was exhibited before the canvassers in the course of the judicial investigation, upon which they thought proper to enter, is corroborative of the belief, that they were governed by sinister motives in the assumption of powers not conferred upon them by law. It is a consolatory consideration in the review of transactions, of the revolting character of those here treated of, that a committee of Congress promptly and unanimously rejected an usurpation destructive of all that is valuable in the right of suffrage. The committee cannot express in terms sufficiently strong, their sense of the magnitude and dangerous tendency of the offence,

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to which their attention has been called. It is of the utmost importance, that not a shadow of doubt should rest upon the fairness with which every step connected with an election is conducted. The existence of such doubts tends to embitter and keep alive that spirit of party, in which the great danger of our republican institutions is admitted to lie. Besides its tendency to discredit what we all should hold sacred, the want of good faith on such occasions strikes directly at the very foundation of our forms of government—a submission to the will of the majority as exhibited at the polls.

Your committee would most willingly consign to oblivion, a transaction so discreditable to those engaged in it, and so little calculated to elevate the character of the Territory abroad—but they cannot view without apprehension, the practical consequences of passing over in silence, a violation of the rights of the people of unexampled audacity.

From a full investigation of the documents referred, the committee have arrived at the conclusion, that the Secretary and Treasurer of the Territory were guilty of an unwarrantable usurpation, in assuming powers of a Judicial character, in the performance of the duties assigned them by the 18th section of the act of April 6th, 1820, entitled “an act to regulate the election of a Delegate from the Territory of Michigan to the Congress of the United States,” when acting upon the returns of the late election; and that such illegal assumption argues a degree of incapacity, or a want of fidelity to a most important trust, which renders those officers unworthy of the confidence of the people of this Territory.

Your committee deem it to be the imperious duty of the representatives of the people, in their Legislative capacity, to provide for the peace and welfare of the community for which they legislate, by securing to the qualified electors therein, a fair and effective exercise of their dearest political rights: with this view, the committee recommend the adoption of the following, or similar provisions, in the bill to regulate elections:

“That the Secretary of the Territory of Michigan, shall, without delay, after receiving the documents aforesaid, from any county, enter the same of record in his office, and on or before the first Tuesday in——next after the election, to produce and deliver over the same to the Attorney General and Treasurer of said Territory, who, or either of whom, shall, within three days thereafter, at such place as they or either of them, shall agree or designate, and in the presence of such spectators as shall choose to attend, proceed to examine the same, with a view to ascertain the result of said election, and they, or either of them, shall make and subscribe a certificate, certifying in favor of the person who shall have received the highest number of votes, as exhibited by the said returns; which certificate shall be recorded in the office of the Secretary aforesaid, and a transcript thereof shall be delivered to the Governor of said Territory; and it shall be the duty of said Secretary to cause the same to be published in one or more Gazettes.”

On motion of Mr. Irwin, 200 copies of the report and the communication of the Secretary, were ordered to be printed in the English language, and 100 copies thereof in the French language.

The report made on the 21st inst. relative to the Clerks of the Council, and which was then laid on the table, was taken up, and, on motion, it was recommitted to the committee on the Judiciary.

The preamble and resolutions, submitted by Mr. McDonell on the 17th inst. relative to separating the terms of the Supreme Court of the Territory, and those of the Circuit and District Court of the United States, were taken up, and, on motion, referred to the committee on the Judiciary.

A message on Executive business was received by the hands of Mr. Ch. C. Trowbridge.

The "bill to provide for the partition of lands," was taken up, read the third time and passed.

The "bill regulating marriages," was taken up and read the third time.

Mr. Lawrence moved that the bill be amended by inserting, in the 7th line of the 2d section, after the word "reside," the following: "or any two Justices of said Court"—and that the words, "or Justices," be inserted after the word "Court," in the 8th line of said section. The motion was agreed to. The question on the passage of the bill was then put, and decided in the affirmative.

The "bill to prevent firing woods and prairies," was read the third time and passed.

The "bill concerning Seals," was taken up and read the third time. Said bill was then, on motion, laid on the table for further consideration.

The "bill relative to the duties and privileges of Townships," was read the third time, and the following amendments were, on motion of Mr. Lawrence, made thereto, viz:

In the 13th line of the 1st section, the words "and qualified," were inserted, after the word "chosen."

In the 5th line of the 6th section, the words "and" and "not" were stricken out; and also, all that part of said section, after the words "according to law," in the 7th line thereof.

The question "shall the bill pass?" was then put, and it was decided in the affirmative; and the ayes and nays being required, they were taken as follows:

Ayes—Messrs. Burt, Bunce, Dole, Durocher, Edwards, Lawrence, Lacroix, Moseley, McDonell, Stockton—10.

Nays—Messrs. Connor, Forsyth, Irwin—3.

The resolution of Mr. Dole, relative to holding two sessions daily, submitted yesterday, was taken up, and again laid on the table for further consideration.

The Council then, on motion, went into the consideration of Executive business; after which,

On motion of Mr. Burt, the Council adjourned.

WEDNESDAY, February 28, 1827.

Prayer by the Rev. Mr. Coston.

Mr. McDonell presented the petition of Joseph Campau, William Brown, and others, inhabitants of the Territory of Michigan, praying, that for reasons stated in said petition, the law, adopted by the Governor and Judges of said Territory, on the 15th day of May, 1820, and entitled "an act for the limitation of suits on penal statutes, criminal prosecutions, and actions at law," may be repealed. Read and referred to the committee on the Judiciary.

Mr. Moseley, from the committee to superintend translating, to whom the subject had been referred, made the following report :

REPORT.

The committee to whom was referred the resolution, requesting an inquiry into the expediency of translating into the French language the daily proceedings of the Council, and the cost of translating and printing the same, ask leave to report :

That, from information derived from sources best acquainted with the probable advantage to the French population from having the proceedings published in the newspapers of the Territory which the resolution contemplated, consider it inexpedient at this time, to have the proceedings translated and published in the French language.

Said report was laid on the table.

Mr. Irwin, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz :

An act for the punishment of crimes.

An act for the better apprehending felons and other offenders.

An act for the prevention of frauds.

An act to deliver up fugitives from justice.

An act to enforce the observation of the Sabbath.

An act to prevent firing woods and prairies.

An act to enable infants, who are seized or possessed of estates in trust, or by way of mortgage, to make conveyance of the same.

An act allowing mutual debts and demands to be set off, and concerning tenders.

An act to punish the venders of unwholesome liquors and provisions.

And the President signed the same.

Mr. McDonell, from the select committee appointed to prepare "a bill securing to mechanics and others, payment for their labor and materials in erecting any house or other building, within the county of Wayne," reported said bill, which was read the first time ; and, on motion, it was read the second time by its title and recommended.

Mr. Moseley, from the committee on the Judiciary, reported without amendment, bills with the following titles :

A bill directing the mode of proceedings in Chancery.

A bill regulating references, and determining controversies by arbitration.

A bill regulating general proceedings in criminal cases.

A bill concerning amendments and jeofails.

A bill concerning the Supreme, Circuit, and County Courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein in certain cases.

A bill to restrain unincorporated banking associations.

A message on Executive business was received by the hands of Mr. Ch. C. Trowbridge.

The "bill directing the mode of proceeding in Chancery," was considered in committee of the whole; and was ordered to be engrossed and read the third time on Friday next.

Mr. Lawrence, from the committee on the Judiciary, to whom the subject had been referred, made the following report:

REPORT.

The committee to whom was referred the resolution directing them to inquire into the expediency of employing more than three Clerks during the present session of the Legislative Council, have had the subject under consideration, and beg leave to report:

That it has been customary to employ but three Clerks in the Council, whose duty it is to keep the daily proceedings of the Council, to transcribe them upon the Journal of the Council, and to engross bills, and enrol such laws as were passed by the Council.

Your committee further report, that the writing required by the present Council, is nearly or quite twice as much as has been usual heretofore. It is necessary that the Journal should be copied for the press during the session; and the large number of bills on their passage require, at least, the constant employment of two additional Clerks. Your committee therefore recommend to the Council to adopt the following resolution:

Resolved, That the Council authorise the President to retain, in the employment of the Council, Daniel Le Roy and Ch. Noble.

Mr. Dole moved that the Council do now accept the report, and adopt the resolution recommended thereby; and the motion was decided in the affirmative.

Mr. McDonell called for the ayes and nays, and they were taken as follows:

Ayes—Messrs. Burt, Bunce, Dole, Durocher, Edwards, Forsyth, Irwin, Lawrence, Lacroix, Moseley, Stockton—11.

Nays—Messrs. Connor, McDonell—2.

The bills with the following titles were severally taken up, considered in committee of the whole, and ordered to be engrossed and read the third time on Friday next, viz:

A bill regulating references and determining controversies by arbitration.

A bill to restrain unincorporated banking associations.

A bill concerning amendments and jeofails.

The "bill regulating general proceedings in criminal cases," was taken up and considered in committee of the whole; and, on motion, said bill was laid on the table for further consideration.

Mr. Lawrence, from the committee on the Judiciary, to whom had been recommitted "a bill authorising aliens to purchase and hold real estate in this Territory," and an amendment thereto, reported said bill without the amendment. The bill was then laid on the table for further consideration.

Mr. McDonell gave notice that he should, on Monday next, ask leave to bring in "a bill concerning habitual drunkards, and to protect their estates."

Mr. Lawrence, from the committee on the Judiciary, reported, without amendment, bills with the following titles:

A bill to prescribe the tenure of certain offices.

A bill for the support and maintenance of illegitimate children.

A bill fixing the rate of toll for grinding.

A bill concerning Notaries Public.

A bill concerning divorces.

The "bill concerning seals," was then taken up, and the question "shall the bill pass?" was put thereon; and was decided in the affirmative.

On motion of Mr. Lawrence, the Council then went into the consideration of Executive business; and having disposed thereof,

On motion of Mr. Burt, the Council then adjourned.

THURSDAY, March 1, 1827.

Prayer by the Rev. Mr. Coston.

Mr. Forsyth presented the claim of John Fay, for fees for arresting and committing to the jail of Oakland county, Sa-ka-se-ka, an Indian, charged with murder. Referred to the committee on claims.

Mr. Moseley presented the claim of Orange Risdon, for certain maps of the surveyed parts of the Territory of Michigan. Referred to the committee on claims.

Mr. Lawrence, from the committee on the Judiciary, reported, without amendment, bills with the following titles, viz:

A bill empowering the Judges of Probate to appoint guardians to minors and others.

A bill for the distribution of insolvent estates.

The "bill to prescribe the tenure of certain offices," was taken up and considered in committee of the whole.

Mr. Irwin moved that the blank in the 4th line of the 1st section, be filled with the word "three," and the motion was agreed to. The bill was then laid on the table.

The "bill fixing the rate of toll for grinding," was considered in committee of the whole, and ordered to be engrossed and read the third time on Saturday next.

The "bill concerning Notaries Public," was considered in committee of the whole.

Mr. Lawrence moved that said bill be amended by striking out, after the word "that," the whole of the 1st line of the 2d section, and insert in lieu thereof the following, viz: "whenever the office of any Notary Public shall become vacant by death, resignation, or otherwise;" and the motion was agreed to. The bill was then ordered to be engrossed and read the third time on Tuesday next.

The following entitled bills were taken up and considered in committee of the whole; and, on motion, laid on the table for further consideration, viz:

A bill empowering the Judge of Probate to appoint guardians to minors and others.

A bill for the distribution of insolvent estates.

The "bill authorising aliens to purchase and hold real estate in this Territory," reported yesterday from the committee on the Judiciary, was taken up; and, on motion, the further consideration thereof was postponed until Monday next.

On motion of Mr. Stockton, "a bill concerning the Supreme, Circuit, and County Courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein in certain cases," was taken up, and recommitted to the committee on the Judiciary.

The "bill concerning apprentices and servants," with the amendments submitted thereto, were taken up.

On motion, the bill was amended, by adding the following, heretofore submitted by Mr. McDonell, at the close of the 5th section, viz:

"And if the servant or apprentice shall be found to be delinquent, he or she shall be sentenced by the said Court to serve, at its discretion, so much longer time as the Court shall deem proper."

Mr. McDonell moved that the amendment, heretofore submitted by him, as the sixth section to the bill, be accepted. The motion was decided in the negative.

Mr. Lawrence then moved that the bill be further amended by inserting, in the 13th line of the 3d section, after the words "to be," the words, "prima facie evidence of," and the motion was agreed to.

On motion of Mr. Moseley, the bill was further amended by striking out the words, "without any further proof thereof," at the close of the 3d section. The bill was then ordered to be engrossed and read the third time on Tuesday next.

On motion of Mr. Stockton, the Council proceeded to the consideration of Executive business; after which,

On motion of Mr. Burt, the Council adjourned.

FRIDAY, March 2, 1827.

Prayer by the Rev. Mr. Coston.

Mr. Irwin presented the petition of James Abbott, P. Lecuyer, and H. S. Cole, as a committee on behalf of the Grand Lodge of Michigan, praying that a law may be passed incorporating said Grand Lodge. Read and referred to a select committee, composed of Messrs. Irwin and Connor.

Mr. Burt presented two petitions from sundry inhabitants of the counties of Oakland and Macomb, praying for a system of town government, similar to that of the State of New-York.

Mr. Dole also presented a petition from sundry inhabitants of the county of Oakland and Macomb upon the same subject.

Said petitions were referred to the committee on Territorial affairs.

Mr. Irwin, from the select committee to whom was referred the petition of Nathaniel Champ, made the following report :

REPORT.

The committee to whom was referred the petition of Nathaniel Champ, praying to be released from a certain tax, have had the subject under consideration, and would beg leave to report as follows :

It appears that the said Champ received a small assortment of foreign and domestic goods from Messrs. Parker & Hurd, on commission, on or about the first of December last, and opened a store in the city of Detroit ; that about the first of January following, he signified to said Parker & Hurd his desire to surrender said goods, and discontinue business, mainly from the circumstance that he could not profitably continue the same, and pay the taxes he would be subject to in the prosecution thereof—but that it was not convenient for said Parker & Hurd to receive the goods until the latter part of January. In the mean time, he was assessed by the Sheriff of the county of Wayne twelve dollars, in pursuance of the act entitled “an act to regulate the assessment and collection of Territorial taxes,” and has paid the same, and now holds the Sheriff’s receipt therefor. From an attentive consideration of the premises, your committee are satisfied that the petitioner did not surrender the goods with a view of evading the payment of said tax, or unjustly to withhold any portion of the public revenue, and are of opinion that the said tax ought to be remitted to him ; but inasmuch as your committee were not authorised to report by bill, they are unable to propose the proper remedy.

The report having been read,

Mr. Moseley moved that the Council accept the same, and that the select committee to whom the subject was referred, be instructed to bring in a bill for the relief of Nathaniel Champ ; and the motion was agreed to.

Mr. McDonell, from the committee to whom was recommitted "a bill securing to mechanics and others, payment for their labor and materials in erecting any house or other building, within the county of Wayne," reported the same without amendment; and said bill was laid on the table.

Mr. Forsyth presented the account of Peter Desnoyers, for map cases. Referred to the committee on claims.

The petition from sundry inhabitants of the county of Oakland, relative to "an act to authorise the County Commissioners of the county of Oakland to levy a tax of one per centum within the said county," was taken up, and referred to the committee on Territorial affairs.

The bills with the following titles were taken up, and severally read the third time, and passed, viz:

A bill to restrain unincorporated banking associations.

A bill regulating references, and determining controversies by arbitration.

A bill concerning amendments and jeofails.

The "bill to prevent gaming," was taken up, and again laid on the table for further consideration.

Mr. Irwin gave notice that he should, to-morrow, ask leave to bring in "a bill to protect Missionary Establishments in the Territory of Michigan, and for other purposes."

The bill relative to Medical Societies, and the bill for the incorporation of the Stockholders of the Bank of Monroe, was taken up, and ordered to be printed.

The resolution relative to holding two sessions daily by the Council was taken up, and, on motion, was again laid on the table for further consideration.

Mr. Moseley, from the committee on the Judiciary, reported without amendment, "A bill for the support and maintenance of illegitimate children," which was considered in committee of the whole, and was ordered to be engrossed and read the third time on Friday next.

Mr. Moseley moved, that the Council do now adjourn, to meet on Monday next, at two o'clock in the afternoon. Mr. Forsyth required that the ayes and nays be taken on the motion, and they were as follows:

Ayes—Messrs. Burt, Bunce, Durocher, Dole, Moseley, McDonell—6.

Nays—Messrs. Connor, Edwards, Forsyth, Irwin—4.

The Council then adjourned.

MONDAY, March 5, 1827.

Prayer by the Rev. Mr. Richard.

The President presented a statement of the concerns of the University of Michigan, made by the Secretary to the Board of Trus-

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tees, C. C. Trowbridge, in compliance with the directions of said Board. Read and laid on the table.

Mr. Moseley, from the committee on the Judiciary, to whom the petition upon the subject was referred, reported "a bill to incorporate the Detroit Steam Mill Company," which was read the first time; and, on motion, the second time by its title, and recommitted.

Mr. Irwin moved, that the select committee to whom was referred the petition to incorporate the Grand Lodge of Michigan, be instructed to bring in a bill for that purpose. The motion was agreed to, and Mr. Irwin, from said committee, reported "a bill to incorporate the Grand Lodge of the Territory of Michigan," which was read twice and recommitted.

Mr. Irwin, on motion, had leave to bring in "a bill to protect Missionary Establishments in the Territory of Michigan, and for other purposes," and

Messrs. Irwin and Lawrence were appointed the committee to prepare said bill.

The "bill fixing the rate of toll for grinding," was taken up, read the third time, and passed.

Mr. Irwin, from the committee of Enrolment, reported, as correctly enrolled, bills with the following titles, viz:

A bill to prevent unjust imprisonment, by securing the benefit of the writ of habeas corpus.

A bill concerning Seals.

A bill regulating Marriages.

And the President signed the same.

On motion of Mr. Moseley, the Council proceeded to the consideration of Executive business; after which,

On motion of Mr. Stockton, the Council adjourned.

TUESDAY, March 6, 1827.

Prayer by the Rev. Mr. Richard.

Mr. Lawrence presented the petition of sundry inhabitants of the counties of Wayne and Monroe, living near the River Huron, praying that the district in which they reside may be set off as a town, &c. Read and referred to the committee on Territorial affairs.

Mr. Irwin, from the select committee to prepare "a bill to incorporate the Grand Lodge of the Territory of Michigan," to whom said bill had been recommitted, reported the same with an amendment, which was agreed to; and the bill was then ordered to be engrossed and read the third time on Thursday next.

Mr. Irwin, from the select committee to prepare "a bill to protect Missionary Establishments in the Territory of Michigan for the education of Indians, and other persons being of Indian habits and character," reported said bill, which was read twice and recommitted to said committee.

Mr. Dole, from the select committee to whom was recommitted "a bill to incorporate the Stockholders of the Detroit Banking and Insurance Company," reported said bill with an amendment; and the bill was then laid on the table.

The "bill directing the mode of proceeding in Chancery," was taken up and read the third time.

Mr. Moseley moved that the bill be amended by inserting, after the word "applause," in the 1st line of the 9th section, the following, viz: "shall be made returnable on a day certain therein to be named"—and after the word "directed," in the 2d line of said section, the following, viz: "at least ten days before the return thereof"—and that the words, "or Judge," be inserted after the word "Court," in the 11th line of the 10th section. And said motion was agreed to.

Mr. Lawrence moved, that the bill be further amended by striking out the whole of the 38th and 39th sections thereof; and the motion was decided in the affirmative.

On motion, the bill was then further amended by inserting the words, "within thirty days," after the word "appeal," in the 4th line of the 47th section, and the same also after the word "order," in the 4th line of the 48th section.

The question "shall the bill pass?" was then put, and it was decided in the affirmative.

The bills with the following titles were severally taken up, read the third time, and passed, viz:

A bill concerning apprentices and servants.

A bill concerning Notaries Public.

A bill concerning Coroners.

The "bill securing to mechanics and others payment for their labor and materials in erecting any house or other building, within the county of Wayne," was taken up, and, on motion, recommitted to the select committee by whom it was reported.

The "bill to prevent gaming," was taken up in committee of the whole, the question being on the following amendment, heretofore submitted by Mr. McDonell, as an additional section:

"SECT. 9. That any person indicted and convicted under the provisions of this act, for any violation of the same, shall be incapable of voting at any election for three years after such offence shall have been committed, and from holding any office in the Territory for six years thereafter; and his office to be vacated, if an officer of the Territorial Government."

The question being taken on receiving said amendment, it was decided in the negative; whereupon,

Mr. McDonell called for the ayes and nays, and they were taken as follows:

Ayes—Mr. McDonell.

Nays—Messrs. Burt, Bunce, Conner, Dole, Edwards, Forsyth, Irwin, Lawrence, Lacroix, Moseley, Stockton—11.

The bill, on motion, was then ordered to be engrossed and read the third time on Thursday next.

The "bill concerning divorces," was taken up in committee of the whole.

Mr. McDonell submitted the following as an amendment thereto, to be inserted after the enacting clause, viz :

"That all acts and parts of acts, now in force within this Territory, on the subject of divorce, be and the same are hereby repealed. *Provided nevertheless*, That the repeal of any such law shall not affect any bills or suits now untermimed, or any rights acquired under such law, but the same shall remain in full force, in the same manner as though such law had not been repealed."

On motion, the bill with the amendment was then laid on the table for consideration on Monday next.

Mr. Dole laid on the table the following resolution:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety and expediency of passing a law, requiring the Judges of the Supreme Court of this Territory to hold two sessions of said Court, annually, in each of the peninsular counties—and of abolishing County Courts.

On motion of Mr. Irwin, the Council then adjourned.

WEDNESDAY, March 7, 1827.

Prayer by the Rev. Mr. Richard.

Mr. Dole, from the committee on Territorial affairs, who were instructed by the resolution of the Council, (heretofore submitted by Mr. McDonell,) "to inquire into the propriety of passing a law to authorise the appointment of an Auditor, to audit all claims on the Treasury of the Territory, the disbursement of which is authorised by law," made a report, that it is inexpedient, at this time, to pass a law for the appointment of such Auditor; and said report was accepted by the Council.

Mr. Irwin, from the select committee, to whom was recommitted "a bill to protect Missionary Establishments in the Territory of Michigan," reported said bill with amendments; which was laid on the table.

The "bill for the relief of Insolvent Debtors," was taken up in committee of the whole; and was ordered to be engrossed and read a third time on Saturday next.

A message on Executive business was received by the hands of Mr. C. C. Trowbridge.

The resolution submitted yesterday, by Mr. Dole, was taken up and adopted.

Mr. Irwin, from the committee of Enrolment, reported, as correctly enrolled, bills with the following titles, viz :

An act relative to the duties and privileges of Townships.

An act to provide for the partition of lands.

And the President signed the same.

The "bill regulating general proceedings in criminal cases," was taken up, the question being on its passage, which was put and decided in the affirmative—so the bill was passed.

The "bill authorising aliens to purchase and hold real estate in this Territory," was taken up, as reported from the Judiciary committee; whereupon,

Mr. Forsyth moved that the Council disagree to the report of the committee on the Judiciary. The motion was decided in the negative.

Mr. Lawrence then moved that the bill, as reported, be accepted; and the motion was agreed to.

Mr. McDonell then submitted the following as an amendment, to be added at the close of the last section thereof:

"*Provided also*, and it is hereby declared, that any alien who may purchase and hold lands as aforesaid, or who may now reside, or may hereafter reside in this Territory, who shall commit any hostile act within the jurisdiction thereof against the peace and dignity of the United States, which would be adjudged an overt act of treason in a citizen of the said United States, shall be proceeded against, tried, convicted, and punished, in any of the Courts of the United States in said Territory having cognizance of the offence, in the same manner, and in every respect, as if such alien was a citizen of the United States."

The question being on agreeing to said amendment, Mr. McDonell asked and had leave to withdraw the same.

Mr. Forsyth moved that the further consideration of the bill be postponed until the first of July next; and the motion was decided in the negative.

Mr. Forsyth moved that the bill be amended, by striking out the word "alienation," in the 3d line of the 2d section, and that the word "alienage," be substituted therefor; and the motion was agreed to.

On motion of Mr. McDonell, the bill was further amended by striking out the words "natural born," in the 4th line of the 3d section.

The question "shall the bill pass?" was then put, and was decided in the affirmative. The ayes and nays being required by Mr. Irwin, they were taken as follows:

Ayes—Messrs. Burt, Bunce, Durocher, Dole, Lawrence, Lacroix, McDonell, Stockton—8.

Nays—Messrs. Connor, Edwards, Forsyth, Irwin, Moseley—5.

The "bill to prescribe the tenure of certain offices," was taken up; and, on motion, said bill was recommitted to the committee on the Judiciary.

The "bill to incorporate Medical Societies, for the purpose of regulating the practice of Physic and Surgery in the Territory of

Michigan," was considered in committee of the whole ; and, on motion, was ordered to be engrossed and read a third time on Saturday next.

On motion of Mr. Stockton, the Council then went into the consideration of Executive business ; and having disposed thereof,

On motion of Mr. Burt, the Council adjourned.

THURSDAY, March 8, 1827.

Prayer by the Rev. Mr. Richard.

The President announced, that he yesterday presented to the Governor of the Territory, for his signature, acts with the following titles, viz :

An act for the punishment of crimes.

An act to enforce the observation of the Sabbath.

An act regulating marriages.

An act to deliver up fugitives from justice.

An act concerning Promissory Notes.

An act to prevent unjust imprisonment, by securing the benefit of the writ of habeas corpus.

An act for the prevention of frauds.

An act to enable infants, who are seized or possessed of estates in trust, or by way of mortgage, to make conveyance of the same.

An act to prevent firing woods and prairies.

An act to enable grantees of reversions and lessees, mutually to avail themselves of covenants and conditions.

An act concerning Seals.

An act allowing mutual debts and demands to be set off, and concerning tenders.

An act for the better apprehending of felons and other offenders.

An act to punish the venders of unwholesome liquors and provisions.

Mr. McDonell, from the select committee to whom was recommit-
ted "a bill for securing to mechanics and others payment for their
labor and materials in erecting any house or other building within
the county of Wayne," reported the same with amendments, which
were concurred in ; and the bill was then considered in committee
of the whole.

Mr. Burt moved that the bill be further amended by striking out
the words "county of Wayne," and inserting in lieu thereof the
words "Territory of Michigan." The bill was then, on motion,
laid on the table for further consideration.

Mr. Moseley, from the committee on the Judiciary, reported,
without amendment, the following entitled bills :

A bill directing the descent of intestate estates, and for empow-
ering the Judge of Probate to make partition in certain cases.

A bill directing the settlement of the estates of persons deceased,
and for the conveyance of real estates in certain cases.

[Said bills were subsequently considered in committee of the whole, and were, on motion, recommitted to the committee on the Judiciary.]

Mr. Irwin, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz :

An act concerning amendments and jeofails.

An act to restrain unincorporated banking associations.

An act concerning Notaries Public.

An act fixing the rate of toll for grinding.

An act directing the mode of proceeding in Chancery.

Mr. Irwin, from the select committee appointed for that purpose, reported "a bill for the relief of Nathaniel Champ," which was read the first time and laid on the table.

The "bill to protect Missionary Societies in the Territory of Michigan, for the education of Indians and other persons of Indian habits," was taken up with the amendments reported yesterday, which were accepted by the Council. The bill was then considered in committee of the whole, and ordered to be engrossed and read a third time on Monday next.

Mr. Dole, from the committee on Territorial affairs, reported "a bill for defraying the public and necessary charges in the respective counties of this Territory, and for other purposes." Said bill was read the first time, and, on motion, it was read the second time by its title, and recommitted.

The "bill to incorporate the Stockholders of the Detroit Banking and Insurance Company," was taken up; the question being on agreeing to the following amendment :

"SECT. 23. That said Company shall subscribe for and take thousand dollars of the stock of a Steam Mill Company, (at or near Detroit,) to be hereafter incorporated, upon such terms and conditions as the residue of the stock of said Steam Mill Company shall have been taken : *Provided*, the Directors of the said Steam Mill Company shall require the same to be done."

The question on receiving said amendment was put, and decided in the affirmative.

Mr. Stockton then moved that the bill be engrossed and read a third time on Monday next.

Mr. Lawrence moved to amend said motion for a third reading, so as to postpone the further consideration of the bill until Wednesday next—and the motion was agreed to.

The "bill to incorporate the Grand Lodge of the Territory of Michigan," was taken up, read the third time, and passed.

The "bill to prevent gaming," was taken up and read the third time; whereupon certain amendments thereto were submitted by Mr. Irwin and Mr. Connor, and

Mr. McDonell then moved that the bill be recommitted to the committee on the Judiciary; and the motion was agreed to.

On motion of Mr. Burt,

Resolved, That the committee appointed to superintend the printing, be and they are hereby directed to ascertain what number of bills are in the hands of the printer, yet to be printed, and report the title of said bills to the Council to-morrow.

On motion of Mr. Lawrence, the Council then adjourned.

FRIDAY, March 9, 1827.

Prayer by the Rev. Mr. Richard.

Mr. Dole presented the claim of John Whipple, for a balance due him as a Commissioner to lay out a road from Detroit to Miami Rapids, in the year 1810. Referred to the committee on Claims.

Mr. Moseley, from the committee on the Judiciary, reported without amendment,

"A bill directing the settlement of the estates of persons deceased, and for the conveyance of real estates in certain cases," and

"A bill directing the descent of intestate estates, and for empowering the Judge of Probate to make partition in certain cases."

Said bills were then severally considered in committee of the whole; and, on motion, were ordered to be engrossed and read a third time on Monday next.

The "bill concerning Sheriffs," was taken up and read the third time.

Mr. McDonell moved, that the bill be amended by inserting, after the word "office," in the 10th line of the 8th section, the following, viz: "including all warrants, writs, or other process, from a Justice of the Peace"—and the motion was agreed to.

Mr. McDonell then moved that the bill be further amended, by striking out the words "or her," in the 2d line of the 19th section; and the motion was agreed to.

Further amendments to the bill were then submitted by Mr. Lawrence and Mr. Stockton; whereupon,

On motion of Mr. Irwin, the bill was then laid on the table for further consideration.

The "bill for the support and maintenance of illegitimate children," was taken up and read the third time.

Mr. Moseley moved that the bill be amended by striking out the words "County Commissioners of the county," and insert in lieu thereof, "Overseers of the Poor of the Townships," in the 16th line of the 1st section, and that the words, "or Townships," be inserted in the 17th line of said section, after the word "County;" and the motion was agreed to.

On motion of Mr. Irwin, the bill was further amended, in the 2d section thereof, as follows:—in the 2d line, the word "County" was stricken out, and "Overseers" inserted in lieu thereof—in the 3d line, the words "Commissioners of any County" were stricken out, and the words "Overseers of the Poor of the Townships," were inserted in lieu thereof—in the 4th line, after the word "County,"

the words "or township," were inserted, and in the 5th line, after the word "County," the words "or township," were inserted.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill for the relief of Nathaniel Champ," was read the second time, considered in committee of the whole, and was ordered to be engrossed and read the third time to-morrow.

The "bill empowering the Judge of Probate to appoint guardians to minors and others," was taken up and considered in committee of the whole.

Mr. Lawrence moved that the bill be amended by striking out the words, "the County Commissioners," in the 3d line of the 2d section, and inserting in lieu thereof the words, "any other person," and that the words, "the County Commissioners of such County, or" be stricken from the 5th line of said section; and the motion was agreed to.

Mr. Stockton then moved that the bill be further amended, by inserting the words, "or Township," after the word "County," in the 9th line of the 7th section, and that the words, "in the judgment of the Commissioners of said County," be stricken from the 9th and 10th lines of said section, and that the words, "in the judgment of the Overseers of the Poor of the Township," be inserted in lieu thereof—and that the words "such Commissioners," be stricken from the 11th line of said section; and that the words, "the Overseers of the Poor of the Township," and that the words, "said Commissioners," be stricken out in the 17th line of said section, and that the words, "Overseers of the Poor," be inserted in lieu thereof; and the motion was decided in the affirmative.

The bill (with the several amendments) was then ordered to be engrossed and read the third time on Tuesday next.

The "bill for the distribution of insolvent estates," was taken up.

Mr. Forsyth moved to amend the bill by inserting the words, "to servants and domestics," after the word "Territory," in the 4th line of the 1st section; and the motion was decided in the negative.

The bill was then, on motion, ordered to be engrossed and read the third time on Tuesday next.

Mr. McDonell gave notice that he should, at a future day, ask leave to bring in "a bill to regulate the admission and practice of Attorneys and Counsellors at Law."

On motion of Mr. Lawrence, the Council then adjourned.

SATURDAY, March 10, 1827.

Prayer by the Rev. Mr. Richard.

The President presented the communication of David C. McKinstry, transmitting the proceedings of the Freemen of the City of Detroit, at a meeting held on the evening of the 8th of March,

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1827, in said City, to take into consideration the provisions of an act for the alteration of the plan of said City. Said communication and proceedings were read, and, with the papers accompanying the same, were referred to the committee on the Judiciary.

Mr. Moseley, from the committee on the Judiciary, reported "a bill concerning mortgages," which was read the first time. On motion, the bill was then read the second time by its title and recommitted.

A message on Executive business was received by the hands of Mr. C. C. Trowbridge.

Mr. Burt, from the committee on roads and highways, reported "a bill to regulate Highways," which was read the first time. On motion, the bill was then read the second time by its title and recommitted.

Mr. Forsyth, from the committee on Claims, to whom was referred the claim of James May, jr. made a report adverse to said claim; and moved that the claimant have leave to withdraw his papers; the motion was decided in the affirmative.

Mr. Stockton, from the committee on the Judiciary, reported, with amendments, "a bill to incorporate the Stockholders of the Detroit Steam Mill Company." The amendments, on motion, were accepted; and the bill was then laid on the table for further consideration.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill to regulate weights and measures," which was read the first time and laid on the table.

Mr. Dole, from the committee on Territorial affairs, to whom had been recommitted "a bill for defraying the public and necessary charges in the respective counties in this Territory, and for other purposes," reported the same with amendments. The amendments were, on motion, agreed to by the Council; and the bill was then laid on the table for further consideration.

The "bill for the relief of Nathaniel Champ," was taken up, read the third time, and passed.

The "bill for the relief of Insolvent Debtors," was taken up, read the third time, and passed.

On motion of Mr. Moseley, the Council then went into the consideration of Executive business; and having disposed thereof,

On motion of Mr. Stockton, the Council adjourned.

MONDAY, March 12, 1827.

Prayer by the Rev. Mr. Wells.

Mr. Dole presented petitions from the inhabitants of the county of Oakland, relative to the division of said county into Townships. Referred to the committee on Territorial affairs.

Mr. Moseley, from the committee on the Judiciary, reported "a bill in addition to an act, entitled "an act relative to the City of

Detroit," which was read the first time. On motion, the bill was then read the second time by its title, and laid on the table.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill to authorise Paul D. Anderson, administrator on the estate of Francis Chovin, deceased, to convey, by deed, certain real estate to Abraham Edwards, in pursuance of a contract made with said Edwards, by said Chovin, in his life time," which was read the first and second time, and laid on the table.

Mr. Lawrence, from the committee on the Judiciary, also reported "a bill to define the duties of County Treasurers," which was laid on the table.

Mr. Burt, from the select committee to whom had been recommended "a bill to incorporate the Clinton River Navigation Company," reported the same with amendments, which were accepted by the Council; and the bill was, on motion, then ordered to be engrossed and read the third time on Thursday next.

A message by Mr. Ch. C. Trowbridge :

"*Mr. President*—The Governor of the Territory has this day signed the acts entitled

An act to enable grantees of reversions and lessees, mutually to avail themselves of covenants and conditions.

An act concerning Promissory Notes.

An act to enable infants who are seized or possessed of estates in trust, or by way of mortgage, to make conveyance of the same.

An act to prevent firing woods and prairies.

An act to deliver up fugitives from justice.

An act for the better apprehending of felons and other offenders.

An act allowing mutual debts and demands to be set off, and concerning tenders.

An act to enforce the observation of the Sabbath.

An act concerning Seals.

An act to punish the venders of unwholesome liquors and provisions."

The "bill to regulate weights and measures," was taken up, read the second time, and, on motion, was again laid on the table for further consideration.

The "bill securing to mechanics and others payment for their labor and materials in erecting any house or other building within the county of Wayne," was taken up, read the second time, and considered in committee of the whole.

Mr. Burt withdrew the amendment which he submitted on the 8th inst.

Mr. Forsyth then moved, that the bill be amended by striking out the words "county of Wayne," in said bill, wherever they may occur, and inserting in lieu thereof the words, "city of Detroit"—and the motion was agreed to. On motion, the bill was then ordered to be engrossed and read the third time on Monday next.

The bills with the following titles were severally taken up, read the third time, and passed, viz :

A bill to protect Missionary Societies in the Territory of Michigan, for the education of Indians, and other persons of Indian habits.

A bill directing the descent of intestate estates, and for empowering the Judge of Probate to make partition in certain cases.

A bill directing the settlement of estates of persons deceased, and for the conveyance of real estates in certain cases.

The "bill for providing and regulating prisons," was taken up, read the second time, and considered in committee of the whole.

Mr. Moseley moved that the bill be amended by striking out the words "County Commissioners," and inserting in lieu thereof the words "Supervisors," wherever they may occur in said bill ; and the motion was agreed to.

The bill was then, on motion, further amended, as follows, viz : In the 1st line of the 3d section the word "Court," after the word "Supreme," was stricken out, and the word "Circuit," was inserted in lieu thereof. In the 5th line of the 4th section, the words "or vacancy in the office," were inserted after the word "removal." In the 6th line of the 5th section, after the words "respect to," to read, "their security," and that "of such gaols from escape," be stricken out. And that the blank in the 5th line of the 10th section, be filled by the word "twenty."

The several amendments having been accepted, the bill was, on motion, ordered to be engrossed and read the third time on Thursday next.

The "bill for the punishment of idle and disorderly persons," was read the second time, and ordered to be engrossed and read the third time on Friday next.

Mr. McDonell gave notice that he should, to-morrow, ask leave to bring in "a bill to amend an act entitled "an act to extend Jefferson Avenue in the City of Detroit, to the intersection of the river Detroit."

On motion of Mr. Irwin, the Council then adjourned.

TUESDAY, March 13, 1827.

Prayer by the Rev. Mr. Wells.

Mr. Forsyth presented the petition of Ch. Larned, E. P. Hastings, John Biddle, B. F. H. Witherell and Cyprian Stevens, as a committee appointed on behalf of sundry citizens of the Territory of Michigan, at a meeting held in the City of Detroit, on the evening of the 1st inst. praying for an alteration in the laws of the Territory, relating to the collection of debts and the enforcing of contracts ; and that the election for Delegate and for Members of the Council, may be held on different days. Read and referred to the committee on the Judiciary.

Mr. McDonell asked for leave to bring in "a bill to amend an act entitled "an act to extend Jefferson Avenue in the city of Detroit." On motion, leave was granted, and Messrs. McDonell and Connor were appointed a committee to prepare said bill.

Mr. Stockton, from the committee on the Militia, reported "a bill to organise the Militia," which was read the first time and laid on the table.

The "bill to define the duties of County Treasurers," reported yesterday from the committee on the Judiciary, was taken up, read the first and second times, and laid on the table.

Mr. Moseley, from the committee on the Judiciary, to whom had been recommitted "a bill to incorporate the village of Monroe," reported the same with amendments, which were accepted; and the bill was then, on motion, ordered to be engrossed and read the third time to-morrow.

Mr. Moseley, from the committee on the Judiciary, reported without amendment—a bill concerning uses; a bill to regulate ferries; and a bill to provide for the recording of Town plats, and for other purposes.

The "bill to regulate ferries," was considered in committee of the whole, and ordered to be engrossed and read the third time to-morrow.

The "bill concerning uses," was considered in committee of the whole, and laid on the table.

The "bill to provide for the recording of Town plats, and for other purposes," was considered in committee of the whole; and was, on motion, ordered to be engrossed and read the third time on Saturday next.

Mr. Dole, from the committee on Territorial affairs, reported, without amendment, "a bill for defraying the public and necessary charges in the respective counties of this Territory, and for other purposes." Said bill was then considered in committee of the whole; and,

On motion of Mr. Irwin, the following section was added thereto, as an amendment:

"SECT. 20. That it shall be lawful for the holder of any order or other evidence of debt, issued by the County Commissioners, in conformity with the several laws adopted by the Governor and Judges to provide for the raising county rates and levies, to present the same to the Board of Supervisors of the county where the same was issued and payable, who shall give, to the holder of such order or other evidence of the same, a certificate of the same due thereon, with interest, from the time the said order or other evidence of debt was due and payable, to be paid out of the County Treasury, or received in payment of county taxes in the county where the same is payable; and it shall be the duty of the Board of Supervisors in the several counties, to cause to be destroyed all such orders and other evidences of debt, for which certificates shall be given,

and also such orders, certificates, and other evidences of debt, as have been or shall be paid, or received in payment of taxes by the County Treasurer."

The bill was then laid on the table for further consideration.

Mr. Dole, from the committee on Territorial affairs, reported "a bill to divide the several counties in this Territory into Townships, and for other purposes;" which was read twice and recommitted.

Mr. Stockton, from the committee on printing, who were instructed by a resolution of the Council, to make inquiry as to the number of bills in the hands of the printer, not printed, made a verbal report relative thereto; and stated that the amount of the printing already done was about 540 dollars.

The "bill for the distribution of Insolvent estates," was taken up, read the third time, and laid on the table.

On motion of Mr. Moseley, the Council took a recess until two o'clock.

2 o'clock, P. M.

Mr. McDonell, from the committee appointed to prepare "a bill to amend an act entitled "an act to extend Jefferson Avenue in the City of Detroit," reported the same, which was read twice and referred to the committee on the Judiciary.

The "bill empowering the Judge of Probate to appoint guardians to minors and others," was taken up, read the third time and passed.

The "bill for the distribution of Insolvent estates," was taken up—the question being on its passage.

Mr. Forsyth moved that the bill be amended by inserting the words, "and all domestics in the actual employ of the deceased at the time of his death," after the word "Territory," in the 4th line of the 1st section. The motion was decided in the negative.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

A "bill for defraying the public and necessary charges in the respective counties of this Territory, and for other purposes," was considered in committee of the whole.

Mr. Dole moved that the bill be amended by striking out the word "first," in the 3d line of the 1st section, and that the word "third" be inserted in lieu thereof—and that the words "not exceeding eight days in any one year," be inserted after the word "convenient," in the 6th line of said section; and the motion was agreed to.

On motion of Mr. Lawrence, the bill was further amended by striking out the words, "the sum of five hundred dollars," in the 6th and 7th lines of the 8th section, and inserting the words "one half of one per cent," be inserted in lieu thereof.

On motion of Mr. Irwin, the bill was further amended, by striking out from the 20th section thereof, the following, viz: "with interest

from the time the said order or other evidence of debt was due and payable."

The bill, with the amendments, was then, on motion, ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Dole, the Council then proceeded to the consideration of Executive business; after which,

On motion of Mr. Connor, the Council adjourned.

WEDNESDAY, March 14, 1827.

Prayer by the Rev. Mr. Wells.

Mr. Connor presented a petition of sundry inhabitants of the county of Wayne, praying, that no laws may be passed subjecting real estate to be sold on execution, unless provision be made that such real estate shall not be sold for less than its estimated value—and also, that the election for a Delegate and for Members of the Legislative Council may be held on the same day. Read and referred to the committee on the Judiciary.

Mr. Moseley, from the committee on the Judiciary, reported a bill concerning judgments and executions, which was read the first time. On motion, said bill was then read the second time by its title and recommitted.

Mr. McDonell asked leave to bring in "a bill to regulate the admission and practice of Attorneys and Counsellors at Law."

Mr. Stockton moved that leave be given, and that a committee of three be appointed to prepare the same. The motion was agreed to, and

Messrs. McDonell, Stockton and Lawrence were appointed said committee.

The "bill to incorporate the Stockholders of the Detroit Banking and Insurance Company," was taken up and considered in committee of the whole; whereupon,

Sundry amendments were submitted, and,

On motion of Mr. McDonell, the further consideration of the bill, and of the amendment, was postponed until Monday next.

On motion of Mr. Burt, the Council then took a recess of two hours.

2 o'clock, P. M.

Mr. Stockton laid upon the table the following additional Rule for the consideration of the Council:

"RULE 40. No member shall be permitted to read a newspaper, within the bar of the Council, while the Council is in session."

The "bill to incorporate Medical Societies, for the purpose of regulating the practice of Physic and Surgery in the Territory of Michigan," was taken up, and, on motion, it was laid on the table for further consideration.

The "bill to incorporate the Stockholders of the Bank of Mon-

roe," was taken up in committee of the whole, and, on motion, was again laid on the table for further consideration.

The "bill to regulate ferries," was taken up, read the third time, and passed.

The "bill for defraying the public and necessary charges in the respective counties of this Territory, and for other purposes," was taken up and read the third time.

Mr. Dole then moved, that the blank in the 21st and 22d lines of the 2d section, be filled so as to read, "the third Monday of March"—that the blank in the 6th section thereof be filled by inserting the words "one dollar"—and that the blank in the 7th section thereof be filled by the words "two hundred"—and the motion was agreed to.

On motion of Mr. Connor, the bill was further amended, by inserting, in the 7th line of the 8th section, after the words "per cent," the following, viz: "except the county of Wayne, which shall not exceed one fourth of one per cent."

On motion of Mr. Irwin, the bill was further amended, by inserting, after the word "Territory," in the 2d line of the 9th section, the following, viz: "except the counties of Chippewa, Michilimackinac, Brown and Crawford."

On motion of Mr. Burt, the bill was further amended, by striking out the word "ten," in the 9th line of the 9th section, and inserting in lieu thereof, the word "five."

The question "shall the bill pass?" was then, on motion, put, and it was decided in the affirmative.

Mr. Moseley moved that an additional member be added to the committee of Enrolment. The motion was decided in the affirmative, and

Mr. Burt was appointed to be a member of said committee.

On motion of Mr. Stockton, the Council then adjourned.

THURSDAY, March 15, 1827.

Prayer by the Rev. Mr. Wells.

Mr. Irwin, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz:

An act directing the settlement of estates of persons deceased, and for the conveyance of real estate in certain cases.

An act to incorporate the Grand Lodge of the Territory of Michigan.

An act authorising aliens to purchase and hold real estate in this Territory.

An act concerning apprentices and servants.

An act for the distribution of insolvent estates.

An act for the relief of Nathaniel Champ.

An act to protect Missionary Societies in the Territory of Mi-

chigan, for the education of Indians, and other persons of Indian habits.

A bill for the relief of Insolvent Debtors.

And the President signed the same.

Mr. Burt, from the committee on Roads and Highways, to whom was recommitted "A bill to regulate highways," reported the same with the following amendment, to be inserted at the close of the first section, viz :

"Provided, That the course and distance of the commencement and termination of all roads, to be hereafter laid out and established, shall be ascertained from the nearest corner or quarter section stake."

The amendment was, on motion, accepted, and the bill was then considered in committee of the whole.

On motion of Mr. Lawrence, the bill was further amended by striking out the 30th section thereof.

On motion of Mr. Forsyth, the bill was further amended, by striking out the words "seventy-five," in the 7th line of the 8th section, and inserting in lieu thereof the words "sixty-two and a half."

On motion, the bill was then ordered to be engrossed and read a third time on Monday next.

The "bill concerning divorces," was taken up and considered in committee of the whole. The question being on receiving the amendment submitted by Mr. McDonell on the 6th inst. it was put, and decided in the negative—so the amendment was rejected; whereupon,

Mr. McDonell called for the ayes and nays, and they were taken as follows :

Ayes—Messrs. Burt, Durocher, Dole, Edwards, Forsyth, Lawrence, Moseley, Irwin—8.

Nays—Messrs. Connor, Lacroix, McDonell—3.

On motion, the bill was then ordered to be engrossed and read the third time to-morrow.

The "bill providing and regulating prisons," was taken up and read the third time ; whereupon,

Mr. Lawrence moved that the bill be amended, by striking out the last section thereof ; and the motion was agreed to.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill to incorporate the Clinton River Navigation Company," was taken up and read the third time.

Mr. Burt moved that the bill be amended, by striking out the words, "mouth of said River," in said bill, wherever they may occur, and insert in lieu thereof the words "village of Mount Clemens;" and the motion was agreed to.

On motion of Mr. Burt, the blanks in said bill were then filled with the words "seventy-five cents."

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On motion of Mr. Lawrence, the bill was further amended by striking out the words "of debt or," in the 9th line of the 6th section, and inserting in lieu thereof, the words, "on the."

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill to incorporate the village of Monroe," was taken up and read the third time.

Mr. Moseley moved that the bill be amended by striking out the words, "taverns and other public houses of entertainment," and the motion was agreed to.

The question on the passage of the bill was then put, and decided in the affirmative; so the bill passed.

On motion of Mr. Lawrence, the Council then took a recess of two hours.

2 o'clock, P. M.

The President submitted the following resolution :

Resolved, by the Legislative Council of the Territory of Michigan, That the Directors of the Bank of Michigan, whenever required by the Governor or the Legislative Council of this Territory, and in accordance with the proviso of the 6th section of the act entitled "an act to incorporate the Stockholders of the Bank of Michigan," shall furnish the said Governor or the Legislative Council with a statement or return, which will state the amount of the capital stock paid in, of the debts due to the same, of the moneys deposited therein, of the notes in circulation, and of the cash on hand; which statement shall be sworn to by the President and Cashier of said Bank, agreeably to the form following, or as near as may be :
 "I — President, and I — Cashier, of the — Bank, being sworn, depose and say, that the foregoing statement is a full and true account of the funds and property of the Bank; that the amount of capital stock subscribed is — of which — dollars are paid in; and that the amount of specie, agreeably to this statement, is, *bona fide*, the property of the Bank, and has not been borrowed, or in any wise obtained with a view to make this return. And these deponents further say, that the sum stated as being in — Bank, in the State or City of New-York (as the case may be) is the *bona fide* funds of the Bank, and only subject to the order of the officers of said Bank; and that the other part of said statement is substantially correct.

— President.
 — Cashier.

Sworn before me this — day of — 182

— Justice of the Peace."

Mr. Irwin moved that the resolution submitted by the President, be referred to the committee on the Judiciary; and the motion was agreed to.

The "bill concerning Sheriffs," was taken up, and the question

"shall the bill pass?" was put thereon, and was decided in the affirmative.

The "bill to regulate weights and measures," was considered in committee of the whole.

Mr. Dole moved that the bill be amended, by striking out the words "shell fish," in the 12th section thereof. The motion was decided in the negative.

Mr. Forsyth moved that the bill be amended by striking out in the first section thereof, the following, viz: "which is according to the standard of the Exchequer in England;" and the motion was agreed to.

On motion, the bill was then ordered to be engrossed and read the third time to-morrow.

The "bill to authorise Paul D. Anderson, administrator on the estate of Francis Chovin, deceased, to convey, by deed, certain real estate to Abraham Edwards, or his assignees, in pursuance of a contract made with said Edwards, by said Chovin, in his life time," was considered in committee of the whole, amended, and ordered to be engrossed and read the third time on Saturday next.

The "bill to incorporate the Stockholders of the Detroit Steam Mill Company," was considered in committee of the whole.

Mr. Moseley moved that the bill be amended by striking out the words "forty," in the first section thereof, and inserting in lieu thereof, the word "twenty"—and the motion was agreed to.

On motion, the bill was then ordered to be engrossed and read the third time on Monday next.

Mr. Moseley, from the committee on the Judiciary, to whom was recommitted, "a bill concerning mortgages," reported said bill with an amendment. On motion, the amendment was accepted, and the bill was then laid on the table for further consideration.

On motion of Mr. Lawrence, the Council then adjourned.

FRIDAY, March 16, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. Durocher presented the claim of Harry Conant, Sheriff of the County of Monroe, for the support of an Indian in the Jail of said county, and for costs in prosecuting said Indian. Referred to the committee on Claims.

Mr. Irwin, from the committee of Enrolment, reported, as correctly enrolled, bills with the following titles, viz:

An act regulating general proceedings in criminal cases.

An act directing the descent of intestate estates, and for empowering the Judge of Probate to make partition in certain cases.

An act to regulate Ferries.

An act for regulating references and determining controversies by arbitration.

An act empowering the Judge of Probate to appoint guardians to minors and others.

An act for the support and maintenance of illegitimate children. And the President signed the same.

Mr. Moseley, from the committee on the Judiciary, to whom had been recommitment "a bill to prevent gaming," reported the same with amendments; and the bill with the amendments were then laid on the table.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill for establishing Courts of Probate;" which was read the first time, and laid on the table.

Mr. McDonell, from the select committee to prepare "a bill to regulate the admission and practice of Attorneys and Counsellors at Law," reported said bill, which was read twice and recommitment to the said committee.

The "bill for the punishment of idle and disorderly persons," was taken up and read the third time.

Mr. McDonell then moved that the bill be amended by striking out all after the word "families," in the 6th line of the bill, and that the following be inserted in lieu thereof, viz: "to be sentenced to the house of correction by such Justice, to be employed at hard labor, not to exceed three months, or whipped not exceeding ten stripes, at the discretion of the Court."

SECT. 2. That if there shall be no house of correction erected in the county where such offender shall be convicted, the said Justice in that case may sentence so much of the offender's time to be publicly sold to any white inhabitant of the Territory, to the highest bidder, not to exceed three months, at the discretion of the Court; the proceeds of which to be paid into the county treasury, by such Justice, for the use of the poor of the county, after deducting the costs of prosecution.

SECT. 3. That it shall be lawful for the keeper of such house of correction, or the person who shall purchase the time of the offender, to employ such offender at hard labor; and, if necessary, to put a ball and chain on such offender: *Provided always*, That the offender shall not be removed by the purchaser from the county where such conviction shall take place."

The question being put on accepting the amendment, it was decided in the affirmative.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill concerning divorces," was taken up, read the third time, and passed.

The "bill to regulate weights and measures," was taken up and read the third time.

Mr. Moseley then moved that the words "and shell fish," be stricken from the 12th section of said bill; and the motion was agreed to.

The question on the passage of the bill was then put, and was decided in the affirmative ; so the bill passed.

The "bill to define the duties of County Treasurers," was considered in committee of the whole, and was ordered to be engrossed and read the third time on Tuesday next.

On motion of Mr. Lawrence, the Council then adjourned.

SATURDAY, March 17, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. Forsyth, from the committee on Claims, to whom had been referred the claim of John R. Williams, made a report in favor of allowing said claim ; which was, on motion, laid on the table.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill concerning depositions," and "a bill concerning fines, penalties and forfeitures." Said bills were severally read the first and second times ; and, on motion, were ordered to be engrossed and read the third time on Thursday next.

Mr. Burt submitted the following resolution, which was, on motion, referred to the committee on the Judiciary:

Resolved, by the Legislative Council of the Territory of Michigan, That the Printer contracted with to print the Laws, be instructed to print ——— copies of the Township Laws, to be distributed among the several Townships in this Territory.

The "bill to provide for the recording of Town plats, and for other purposes," was taken up, read the third time, and passed.

The "bill to authorise Paul D. Anderson, administrator on the estate of Francis Chovin, deceased, to convey, by deed, certain real estate to Abraham Edwards, or his assignee, in pursuance of a contract made with said Edwards, by said Chovin, in his life time," was taken up, read the third time, and passed.

The "bill for establishing Courts of Probate," was taken up, read the second time, and on motion, was ordered to be engrossed and read a third time on Wednesday next.

On motion of Mr. Lawrence, the Council then adjourned until Monday next.

MONDAY, March 19, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. Irwin presented the petition of sundry inhabitants of Townships No. one and two, south, of ranges four and five, east, in the county of Washtenaw, praying that said townships be united, and erected into one town, for the purposes of town government. Referred to the committee on Territorial affairs.

Mr. Dole presented the petition of sundry inhabitants of the county of Oakland, remonstrating against the continuance of the act au-

thorising the levying of a tax of one per centum in said county. Referred to the committee on the Judiciary.

Mr. McDonell presented the petition of sundry inhabitants of the county of Wayne, praying for the repeal of "an act for the opening and extending the Jefferson Avenue, in the city of Detroit," &c. Laid on the table.

Mr. Moseley, from the committee on the Judiciary, reported "a bill to restrain hawkers, pedlars, and petty chapmen, from selling without licence," which was read twice and recommitted.

The "bill to organise the Militia," was taken up and read the second time, and, on motion, was recommitted to the committee on the Militia.

The "bill to incorporate the Stockholders of the Detroit Banking and Insurance Company," was taken up in committee of the whole, and amendments thereto were submitted by Messrs. Lawrence and McDonell; whereupon,

On motion of Mr. Burt, the bill was recommitted to the select committee by whom it was reported.

The "bill to incorporate Medical Societies, for the purpose of regulating the practice of Physic and Surgery in the Territory of Michigan," was taken up, and having received several amendments, it was read the third time and passed.

The "bill to secure Mechanics and others, payment for their labor and materials in erecting any house, mill, or other building, in the city of Detroit," was taken up and read the third time.

Mr. Irwin moved that the bill be amended by inserting the words, "and the county of Brown," in said bill, after the words "city of Detroit," wherever they may occur.

Mr. Stockton then moved that the further consideration of the bill, and of the amendment, be postponed until Saturday next; and the motion was decided in the affirmative.

The "bill to regulate highways," was taken up and read the third time.

On motion of Mr. Lawrence, the bill was then amended, by striking out the words "sixty-two and a half," in the 8th section thereof, and inserting in lieu thereof the words "seventy-five."

On motion of Mr. Burt, the blank in the 29th section was filled, so as to read "one hundred"—the blank in the 30th section with the words "two hundred and fifty"—the first blank in the 33d section with the word "twenty," and the second blank in said section with the words "one hundred and fifty"—the first blank in the 36th section with the word "thirty," and the second blank in said section with the word "thirty."

On motion of Mr. Lawrence, the blank in the 38th section was filled with the word "ten."

The question "shall the bill pass?" was then put, and was decided in the affirmative.

On motion of Mr. Dole, the Council then adjourned.

TUESDAY, March 20, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. Moseley, from the committee on the Judiciary, to whom was referred the memorial of sundry citizens of the city of Detroit, praying for certain alterations in the act incorporating said city, reported "a bill relative to the city of Detroit," which was read the first time.

Mr. McDonell then moved that the bill be read the second time by its title, and referred to a select committee of five members; and the motion was agreed to. The bill was then read, and was referred to

Messrs. McDonell, Forsyth, Connor, Moseley, and Lawrence, who were appointed said committee.

Mr. Stockton, from the committee on the Militia, to whom was recommitted the "bill to organise the Militia," reported the same with an amendment; and the bill with the amendment was then laid on the table.

The report made yesterday by the committee on Claims, on the claim of John R. Williams, was accepted.

The "bill to incorporate the Stockholders of the Detroit Steam Mill Company," was taken up and read the third time.

Mr. Stockton moved that the bill be amended by striking out the word "two," and inserting the word "three," in the 1st line of the 8th section. The motion was decided in the negative.

The question on the passage of the bill was then put, and it was decided in the affirmative; so the bill passed.

Mr. Dole, from the committee on Territorial affairs, to whom was recommitted "a bill to divide the several counties in this Territory into Townships, and for other purposes," reported the same with amendments. The amendments were, on motion, accepted, and the bill was then recommitted.

Mr. Irwin, from the committee on Roads and Highways, reported "a bill defining the mode of laying out and establishing Territorial Roads," which was read twice, and laid on the table.

Mr. Dole gave notice that he should, to-morrow, ask leave to bring in "a bill to provide for taxing bank stock."

Mr. Stockton gave notice that he should, at a future day, ask leave to bring in "a bill to regulate the fees of Sheriffs."

Mr. Forsyth gave notice that he should, at a future day, ask leave to bring in "a bill concerning Auctioneers."

Mr. Irwin gave notice that he should, at a future day, ask leave to bring in "a bill to regulate the fees of Judges of Probate."

The "bill to define the duties of County Treasurers," was taken up and read the third time.

Mr. Lawrence moved that the bill be amended by inserting the words, "not exceeding four per cent. on all moneys so received and paid out," at the close of the 2d section thereof; and the motion was agreed to.

On motion of Mr. Burt, the bill was further amended by filling the blank in the second thereof, so as to read "the third Monday of April."

The question "shall the bill pass?" was then put, and was decided in the affirmative.

Mr. Irwin moved that the question, taken this day, on the passage of the "bill to incorporate the Stockholders of the Detroit Steam Mill Company," be reconsidered; and the motion was agreed to. The said bill then being before the Council,

Mr. Irwin moved that it be amended, by striking out the word "two," in the first line of the 8th section thereof, and inserting the word "three," in lieu thereof; and the motion was decided in the affirmative.

On motion, the question "shall the bill pass?" was then put, and was decided in the affirmative.

Mr. Dole moved that the Council take a recess of two hours.

Mr. McDonell moved to adjourn to the usual hour to-morrow.

The latter motion having precedence, it was put and decided in the affirmative.

And the Council adjourned.

WEDNESDAY, March 21, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. Dole presented the petitions of Almon Mack, John M. Mack, and the "Pontiac Company," praying that a law may be passed, authorising the said Almon and John M. Mack, (as administrators on the estate of Stephen Mack, deceased,) to convey certain lands which were held, in trust, by said Stephen Mack for said Company, to Elon Farnsworth, in trust for said Company. The petitions were read, and

Mr. Dole moved that they be referred to a select committee of three members, and that said committee have leave to report by bill or otherwise. The motion was agreed to, and

Messrs. Dole, Moseley and Bunce were appointed said committee.

Mr. McDonell presented the petition of sundry inhabitants of the county of Wayne, praying that a law may be passed taxing those English subjects who may bring wood from the Province of Upper Canada to this Territory. Read and referred to the committee on the Judiciary.

Mr. Stockton presented the petition of sundry inhabitants of the county of Macomb, praying that a road may be laid out from Detroit to the centre of the 4th Township, in range 12. Read and referred to the committee on roads and highways.

Mr. Stockton also presented the proceedings of a certain meeting of the inhabitants of the town of Shelby, in the county of Ma-

comb, relative to the formation of the townships in said county, for the purposes of Township government. Referred to the committee on Territorial affairs.

Mr. Burt gave notice that he should, on Saturday next, ask leave to bring in "a bill for the relief and settlement of the Poor."

Mr. Lawrence, from the committee on the Judiciary, reported, without amendment, "a bill to regulate taverns." Said bill was then taken up and considered in committee of the whole.

On motion of Mr. Stockton, the bill was amended by striking out the word "two," in the 1st line of the 10th section, and inserting in lieu thereof the word "one;" and by altering the 6th line of said section, so as to read, "the said Justice," &c.

Mr. Moseley then moved that the bill be further amended by striking out the 7th section thereof. The motion was decided in the negative.

On motion, the bill, as amended, was then ordered to be engrossed and read the third time to-morrow.

Mr. Lawrence, from the committee on the Judiciary, also reported, with amendments, "a bill to regulate and define the duties and powers of Justices of the Peace and Constables, in civil cases." Said bill, with the amendments, were then considered in committee of the whole, whereupon

Several other amendments were submitted by Messrs. Dole, Irwin, Burt, Forsyth and McDonell; and,

On motion of Mr. Stockton, the further consideration of the bill and the amendments, was postponed until Saturday next.

Mr. Dole, from the select committee to whom was recommitted "a bill to incorporate the Stockholders of the Detroit Banking and Insurance Company," reported said bill with amendments. The bill was then taken up in committee of the whole, and the amendments reported by the select committee were severally agreed to.

Mr. Irwin having withdrawn the amendment heretofore submitted by him,

Mr. Lawrence then moved that the bill be further amended, by inserting the following as the 8th section:

"SECT. 8. That if the total amount of the debts, which the Bank shall at any time owe, whether by bond, bill, note, or other contract, shall exceed the capital stock actually paid into said Bank, over and above the money actually deposited in said Bank for safe keeping, the Directors under whose administration it shall happen, shall be liable for the same in their private capacities, and in such case, an action may be brought against them or any of them, their heirs, executors, or administrators, in any Court proper to try the same, by any creditor or creditors of said corporation: But this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for, and chargeable with, such excess; but such of said Directors who may have been absent when the said excess was

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contracted or created, or who may have dissented from the act or resolution, whereby the same was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact of their absence or dissent, to the Stockholders at a general meeting, which they are hereby empowered to call for that purpose."

The question being put on accepting said amendment, it was decided in the negative—so the amendment was rejected; whereupon Mr. Lawrence called for the ayes and nays upon the question, and they were taken as follows:

Ayes—Messrs. Connor, Irwin, Lawrence—3.

Nays—Messrs. Burt, Bunce, Dole, Durocher, Edwards, Lacroix, Moseley, McDonell, Stockton—9.

Mr. McDonell then moved that so much of the bill be stricken out as relates to granting to the Company to be incorporated thereby, the privileges of an Insurance Company; the motion was decided in the negative—and Mr. McDonell having required the ayes and nays on the question, they were taken as follows:

Ayes—Messrs. Durocher, Edwards, Lawrence, Lacroix, McDonell—5.

Nays—Messrs. Burt, Bunce, Connor, Dole, Irwin, Moseley, Stockton—7.

On motion of Mr. McDonell, the bill was then amended by adding thereto the following, as the 29th section thereof:

"**SECT. 29.** That any committee, specially appointed by the Legislature for that purpose, shall have the right to examine into the doings of said corporation, and shall have free access to all their books and vaults; and if upon such examination, and after a full hearing of said corporation, it shall be determined by the Legislature, that the said corporation have exceeded the powers granted by this act, or failed to comply with the restrictions or conditions thereof—then this act of incorporation shall thereupon be declared to be forfeited and void."

On motion, the bill, as amended, was then ordered to be engrossed and read a third time to-morrow.

Mr. Dole, from the select committee to whom was referred the petitions of John M. and Almon Mack, and of the Pontiac Company, reported "a bill authorising the administrators of Stephen Mack to convey the lands of the Pontiac Company to Elon Farnsworth, and for other purposes;" which was read twice, and ordered to be engrossed and read the third time on Friday next.

Mr. Forsyth, from the committee on Claims, reported "a bill making certain appropriations to be paid out of the Territorial treasury;" which was read twice, and ordered to be engrossed and read the third time on Friday next.

Mr. Stockton, from the committee on the Judiciary, to whom was referred the petition of sundry inhabitants of the county of Michilimackinac, praying that the persons belonging to the Missionary Es-

tablishment in that county, may be debarred from voting at the elections in said county, made a report adverse to the prayer of the petitioners, with the following resolution :

Resolved, That the prayer of the petitioners ought not to be granted.

Which was laid upon the table.

Mr. McDonell laid upon the table the following resolution :

Resolved, That a select committee be appointed to inquire into the expediency of passing a general law regulating the fees of all civil officers in this Territory, and to define the mode and manner in which such fees are to be paid for the services required, and that the said committee be instructed to report by bill or otherwise.

On motion of Mr. Stockton, the Council then adjourned.

THURSDAY, March 22, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. McDonell presented the petition of sundry inhabitants of the Territory of Michigan, praying that a law may be passed, prohibiting persons from giving or selling liquor to common drunkards ; and that provision may be made to protect the estates of common drunkards from waste. Read and laid on the table.

Mr. McDonell also presented the claim of J. B. Valle, for translating certain papers. Referred to the committee on Claims.

Mr. Lawrence, from the committee on the Judiciary, reported " a bill allowing and regulating writs of attachment," and " a bill allowing and regulating writs of replevin." Said bills were severally read the first and second times, and were ordered to be engrossed and read the third time on Tuesday next.

Mr. Moseley, from the committee on the Judiciary, to whom was referred the petition of sundry inhabitants of the county of Wayne, relative to wood brought from the Province of Upper Canada to this Territory, made a report adverse to the prayer of the petitioners, which was accepted.

Mr. Irwin, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz :

An act concerning Sheriffs.

An act concerning deeds and conveyances.

An act concerning Coroners.

An act to incorporate Medical Societies, for the purpose of regulating the practice of Physic and Surgery in the Territory of Michigan.

An act to define the duties of County Treasurers.

An act for the punishment of idle and disorderly persons.

An act for defraying the public and necessary charges in the respective counties in this Territory, and for other purposes.

And the President signed the same.

Mr. Dole, from the committee on Territorial affairs, to whom was committed " a bill to divide the several counties in this Territory

into Townships, and for other purposes," reported the same with amendments; the amendments were, on motion, accepted; and the bill was then taken up in committee of the whole.

Mr. Stockton then moved that the bill be amended by inserting the words, "so as to include the said Joseph Sansfacon, in the Township of Clinton," after the words "Joseph Sansfacon," in the 6th line of the 4th section thereof; and the motion was agreed to.

On motion of Mr. McDonell, the bill was further amended by striking out the name of "Hubert Lacroix," and inserting in lieu thereof the name of "Francois Lascelle."

The bill, as amended, was then, on motion, ordered to be engrossed and read the third time on Saturday next.

Mr. Irwin, from the committee on Territorial affairs, reported "a bill to provide for the inspection of provisions, fish, and whiskey," which was read twice and recommitted.

Mr. Dole moved that the Council now take up the "bill to incorporate the Stockholders of the Detroit Banking and Insurance Company."

Mr. Irwin moved to amend the motion to take up said bill, so as to postpone the third reading thereof until to-morrow. The motion was decided in the negative.

The question on the motion to take up the bill was then put, and was decided in the affirmative.

The bill was then taken up and read the third time; whereupon,

Mr. McDonell moved that the bill be amended by inserting the following as the 20th section, and that the following sections be numbered to correspond, viz:

"SECT. 20. That the corporation shall not demand any greater interest, on any loan or discount, than at the rate of six per centum per annum."

The motion was decided in the affirmative.

On motion of Mr. Lacroix, the bill was further amended by striking out the whole of the proviso, at the close of the 23d section, (as numbered after the last amendment,) and inserting in lieu thereof the following, viz:

"*Provided*, That said Banking and Insurance Company shall not grant any policies of Insurance, or do and perform any thing by virtue of this act, until there shall be fifty thousand dollars of the capital stock of said company actually paid into said Banking and Insurance Company, which shall be kept separate and apart from the capital stock of said company paid in for banking purposes; and no discounts or banking business shall be done on said capital stock paid in for the purpose of granting insurances as aforesaid."

On motion, the bill was then further amended as follows, viz:

The blank in the 6th line of the 1st section was filled by inserting the names of "John Biddle, David C. M'Kinstry and Daniel Le Roy."

The blank in the 2d line of the 7th section was filled with the words, "five hundred."

The blank in the 23d section was filled with the names of "John Biddle, Oliver Newberry, Levi Cook, John Palmer, Joseph W. Torrey, Thomas C. Sheldon, Melvin Dorr, Henry Chipman, and Edward Brooks."

The blank in the 2d line of the 25th section, was filled with the word "four."

The blank in the 2d line of the 26th section was filled by the words "one hundred and fifty."

The question on the passage of the bill, as amended, was then put, and it was decided in the affirmative; so the bill passed.

The "bill to incorporate the Stockholders of the Bank of Monroe," was taken up in committee of the whole; whereupon,

On motion of Mr. Durocher, the bill received sundry amendments, and was then ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Dole, the Council then adjourned.

FRIDAY, March 23, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. Irwin, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz :

An act to incorporate the Stockholders of the Detroit Steam Mill Company.

An act to regulate weights and measures.

An act to authorise Paul D. Anderson, administrator on the estate of Francis Chovin, to convey to A. Edwards, or his assignee, a certain tract of land.

And the President signed the same.

Mr. Irwin, from the committee on Territorial affairs, to whom was recommitteed "a bill for the inspection of provisions, white fish and whiskey," reported the same with amendments. The amendments were, on motion, accepted, and

Mr. Lawrence moved that 50 copies of said bill, as amended, be printed; and the motion was agreed to.

Mr. Forsyth, from the committee on claims, to whom had been referred the claim of Harry Conant and that of John Whipple, laid said claims on the table, subject to the order of the Council.

Mr. Dole then moved that the claim of Harry Conant be recommitteed to the committee on Claims, and that said committee be instructed to bring in a bill for the relief of the claimant; and the motion was decided in the affirmative.

Mr. McDonell, from the select committee to whom was recommitteed "a bill to regulate the admission and practice of Attorneys and Counsellors at Law," reported the same with amendments. The bill with the amendments were laid on the table.

The "bill to incorporate the Stockholders of the Bank of Monroe," was taken up, read the third time, and passed.

Mr. Forsyth presented the petition of sundry inhabitants of the county of Wayne, praying that the duty on sales at auction may be reduced. Read and laid on the table.

On motion of Mr. Forsyth, the "bill to regulate taverns," was taken up and read the third time; whereupon,

Messrs. Forsyth, McDonell, Irwin, Dole, submitted amendments thereto; and,

On motion of Mr. Moseley, the further consideration of the bill was postponed until Monday next.

The "bill making certain appropriations, to be paid out of the Territorial treasury," was taken up, read the third time, and passed.

Mr. Moseley, from the committee on the Judiciary, to whom had been recommitted "a bill concerning judgments and executions," and "a bill concerning mortgages," reported the same without amendment; and said bills were laid upon the table.

The "bill to regulate the admission and practice of Attorneys and Counsellors at Law," was taken up, considered in committee of the whole, and again laid on the table.

The "bill concerning fines, penalties and forfeitures," was taken up, read the third time, and passed.

Mr. McDonell asked leave to bring in "a bill concerning habitual drunkards, and to protect their estates." On motion, leave was granted, and Messrs. McDonell and Lawrence were appointed a committee to prepare said bill.

Mr. Stockton asked leave to bring in "a bill concerning the fees of Sheriffs." On motion, leave was given, and Messrs. Stockton and Moseley were appointed a committee to prepare said bill.

Mr. Dole asked leave to bring in "a bill to provide for taxing Bank Stock." On motion, leave was given, and Messrs. Dole and Stockton were appointed a committee to prepare said bill.

Mr. Irwin asked leave to bring in "a bill to regulate the fees of Judges of Probate." On motion, leave was given, and Messrs. Irwin and Dole were appointed a committee to prepare said bill.

Mr. Lawrence moved that another member be added to the committee on the Judiciary. The motion was agreed to, and

Mr. Irwin was appointed to said committee.

Mr. McDonell, from the committee to prepare "a bill concerning habitual drunkards, and to protect their estates," reported said bill, which was read twice and recommitted to said committee.

The "bill concerning depositions," was taken up, read the third time, and passed.

Mr. McDonell, from the select committee to whom the subject was referred, made the following report:

REPORT.

The committee appointed to consider the resolution, adopted the 16th February last, to examine into the acts of incorporation, heretofore passed by the Governor and Judges of the Territory of Me-

chigan, and to report the propriety of repealing or amending said acts, or any of them, or of confirming any that may be found beneficial to the public, make the following report :

The committee have diligently examined the subject, and after giving the same that due consideration which the nature of the case requires, are of the opinion, that an act entitled "an act to authorise the building of a toll bridge over the river Rouge and a toll bridge over the river aux Ecorces"—the "act to authorise the building of a toll bridge over the river Huron of Lake Erie, in the Territory of Michigan," and "an act to authorise the building of a toll bridge over the river aux Raisin," ought to be repealed.

They have come to this conclusion upon the following reasons, to wit—

That the power, vested by the Ordinance in the Governor and Judges, to "adopt such laws of the original States as may be necessary, and best suited to the circumstances of the District, to be in force in the District until the organization of the General Assembly therein, unless disapproved of by Congress," did not sufficiently authorise them to grant, to any set of individuals, exclusive rights by acts of incorporation : it is plain, that they were restricted to adopt such general laws as were best suited to the circumstances of the District, with this *proviso* ; "but afterwards the legislature shall have authority to alter them as they shall think fit."

2d—The said bridges are a grievous burthen upon the people. A person, by going from Detroit to Monroe, the distance of only thirty-six miles, if in a single carriage with one horse, has to pay for toll at the several bridges, the sum of two dollars ; and if in a double carriage, four dollars. Considering the disadvantages the emigrant has to struggle with in a new country, it should be the object of a wise legislature, to tax him as little as possible. This tax upon the citizen, on a road surveyed and laid out by the United States, and on which has already been expended twenty thousand dollars, is unprecedented.

3d—The testimony taken before the Committee, in relation to the repairs and the situation of the same, go conclusively to show that the Rouge, the Ecorce, and the Huron bridges, have been for several years past, and are at this time, much out of repair ; so much so, as to be dangerous for passengers ; by and through which means, the proprietors have virtually forfeited their charters ; admitting (which the committee do not) that they ever were in force.

4th—A public highway has been marked, laid out, and partly made, by a law of the Congress of the United States, in the direction of the said several bridges. An appropriation of twelve thousand dollars is now made, and unexpended upon said road, at the disposal of the superintendant. The law of the United States does not acknowledge, and does not require any toll gates upon said road, which law, no act of the Governor and Judges, or of the Council, can contravene.

Therefore, under all the circumstances of the case, the committee do recommend, that the committee on Territorial affairs be instructed to bring in a bill, to repeal the several acts relating to the bridges aforesaid; and that the individual proprietors of said bridges may not suffer in consequence thereof, that the said bridges be appraised by the Judges of the County Court, in each county where the said bridges are located, at their present actual value, in cash, and that a sum, not exceeding such appraisal, be asked and appropriated by the superintendant of said road, for the purpose of paying the amount of said appraisal to the several corporations respectively.

As to other acts of incorporation by the said Governor and Judges, as no complaint has been made to the Council against them, and no request by the proprietors to have their charters confirmed, the committee have concluded to give no opinion on the subject.

On motion of Mr. Moseley, the report was laid on the table, and was ordered to be printed.

Mr. McDonell moved that the Council do now adjourn to Monday next, and that the intervening Saturday be not considered as a part of the session. The motion was decided in the affirmative.

And the Council then adjourned.

MONDAY, March 26, 1827.

Prayer by the Rev. Mr. Coston.

Mr. Stockton, from the select committee appointed to prepare a bill concerning the fees of Sheriffs, reported "a bill to amend an act entitled "an act concerning costs and fees," which was read twice and recommitted.

Mr. McDonell, from the select committee, to whom was recommended "a bill concerning habitual drunkards, and to protect their estates," reported the same without amendment; and said bill was laid on the table.

The "bill to divide the several counties in this Territory into townships, and for other purposes," was taken up, read the third time, and passed.

Mr. Forsyth presented the petition of Justin Rice and others, praying that the "bill for the incorporation of the Stockholders of the Detroit Banking and Insurance Company," may be altered and modified in several of its provisions. Read and referred to the select committee by whom said bill was reported.

The "bill to authorise the administrators of Stephen Mack to convey the lands of the Pontiac Company to E. Farnsworth, and for other purposes," was taken up, read the third time and passed.

The "bill for establishing Courts of Probate," was taken up, read the third time, and on motion, was again laid on the table.

The "bill to prevent gaming," and the amendments reported on

the 16th inst. by which the 5th, 6th and 7th sections were stricken out, were, on motion, agreed to.

Mr. Burt having required the ayes and nays on the question on agreeing to the amendments, they were taken as follows :

Ayes—Messrs. Bunce, Connor, Dole, Forsyth, Irwin, Moseley, McDonell—7.

Nays—Messrs. Burt, Durocher, Edwards, Lawrence, Lacroix, Stockton—6.

On motion of Mr. McDonell, the bill was further amended by introducing the following, to stand as the 5th, 6th, 7th, 8th, and 9th sections, and the subsequent sections of the bill were numbered to correspond :

5. That it shall be lawful for any person to make complaint before any Justice of the Peace of the county where the offence is committed, of the violation of any of the provisions of this act, who is authorised to hold a court for that purpose, and to hear, try and determine such complaint as is usual in other cases before a Justice of the Peace ; and on conviction to fine such offender not less than five nor more than one hundred dollars, at the discretion of the court, one moiety thereof to be paid to the informer if he shall appear and prosecute, who shall be a competent witness on the trial, and the other moiety to be paid into the county treasury for the use of the poor of the county, but any person convicted considering himself aggrieved by the verdict or judgment rendered against him by such Justice, convicting such person of any of the offences mentioned in this act, may appeal to the next county court to be holden for the county wherein such conviction may happen : *Provided*, the person or persons so appealing shall within ten days after such conviction enter into recognizance before such Justice in double the amount of such fine and costs, with one or more sufficient sureties in like sum, conditioned that the defendant will make his personal appearance before the county court to which such appeal is taken, on the first day of the next preceding term thereof—and not to depart from said court without the leave thereof, and as soon as such recognizance shall be entered into, such Justice shall cause to come before him all the material witnesses on the part of the prosecution, who shall be severally recognised, in such sum as the Justice shall think necessary in order to secure the attendance of such witness, conditioned that they appear before the court to which such appeal is taken on the first day of the succeeding term thereof, and not to depart the court without due leave thereof : *Provided also*, that any defendant appealing from the judgment of any Justice of the Peace as aforesaid, such other and further proceeding in that case shall be had by indictment and trial of such offender, in the same manner as if no trial was had before the Justice for such offence. That it shall be the duty of the District Attorneys in the respective counties in this Territory, to prosecute all violations of this act,

when complaint is made as aforesaid before any Justice of the Peace of the proper county, and that such Attorneys shall be entitled to a fee of five dollars on every judgment entered before a Justice of the Peace, where the fine and costs shall exceed twenty dollars, and the same actually paid into the county treasury.

6. That no indictment for any of the offences mentioned in this act shall be quashed, or judgment thereon arrested, for any supposed defect, or want of form, provided sufficient be set out therein to enable the court to render judgment thereon, according to the very right and justice of the case.

7. That this act shall be construed in all courts of justice so as to advance the remedies hereby provided to suppress the mischiefs hereby prohibited.

8. That the presiding Judge in all the county courts in this Territory, shall constantly give this act in charge to the grand juries of their courts, at the sessions of such courts.

9. That all fines and forfeitures imposed by the authority of this act, shall be collected and paid over as other fines are to the county treasurer of the proper county, within twenty days after the collection thereof, to be applied to county purposes, and as otherwise provided for by the provisions of this act.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill to regulate taverns," was taken up, and the question on the amendment heretofore offered by Mr. Forsyth, to strike out from the word "shall" in the first line of the 7th section, the whole to the close of the 4th line in said section, was put, and was decided in the negative.

The ayes and nays were required on the question by Mr. Lawrence, and they were taken as follows:

Ayes—Messrs. Bunce, Connor, Dole, Forsyth, Irwin, Moseley—6.

Nays—Messrs. Burt, Durocher, Edwards, Lawrence, Lacroix, McDonell, Stockton—7.

On motion of Mr. Dole, the bill was further amended by striking out the word "cider," in the 4th line of the 4th section, and inserting in lieu thereof the word "strong." The bill was then passed.

The "bill securing to mechanics and others payment for labor and materials in erecting any house, mill, or other building, within the city of Detroit or county of Brown," was taken up, read the third time, and passed.

The "bill concerning habitual drunkards, and to protect their estates," was considered in committee of the whole, and was ordered to be engrossed and read the third time on Saturday next.

On motion of Mr. Dole, the Council then took a recess of two hours.

3 o'clock, P. M.

Mr. Lawrence, from the committee on the Judiciary, to whom the subject was referred, made the following report, viz:

REPORT.

The committee, to whom was referred the resolution relative to the printing of the several Township laws, to be distributed to the several Townships in this Territory, have had the subject under consideration, and beg leave to report—

That your committee are of opinion that 150 copies of the following entitled laws be printed in the English, and 150 copies thereof in the French language, to wit: An act entitled "an act relative to the duties and privileges of Townships," an act entitled "an act for defraying the necessary and public expenses of the several counties in this Territory, and for other purposes," and an act entitled "an act relative to highways."

The report was laid on the table.

On motion,

Resolved, That the committee to superintend printing be instructed to report to this Council an estimate of the cost for printing the several Township laws in the English and French languages.

On motion of Mr. Stockton, the "bill to organise the Militia," was taken up and recommitted to the committee on the Militia.

The "bill concerning judgments and executions," was taken up in committee of the whole.

Mr. McDonell moved to strike out the whole of the bill after the enacting clause.

The question to strike out being before the Council,

Mr. Lawrence moved that the further consideration thereof be postponed until Wednesday next; and the motion was agreed to.

Mr. Lawrence then moved that the Council adjourn; and the motion was decided in the negative.

The "bill for defining the mode of laying out and establishing Territorial roads," was considered in committee of the whole.

On motion of Mr. Burt, the bill was amended by inserting the words "not less," after the word "highways," in the last line of the 3d section. The bill, on motion, was then ordered to be engrossed and read the third time on Thursday next.

On motion of Mr. Stockton, the report of the select committee, relative to the several acts of incorporation, adopted by the Governor and Judges, submitted on the 23d inst. was taken up.

Mr. Lacroix moved that the further consideration of the report be postponed until to-morrow; whereupon,

Mr. Connor moved that the Council do now adjourn; and the motion was decided in the negative.

The question on postponing the consideration of the report then recurring, it was put, and decided in the affirmative.

Mr. Dole then moved that the Council do now adjourn; and the motion was decided in the negative.

On motion of Mr. Stockton, the Council then went into the consideration of the following Rule, submitted on the 14th inst.:

"RULE 40. No member shall be permitted to read the newspa-

pers within the bar of the Council, while the Council is in session."

Mr. Forsyth moved that the Rule be amended so as to read as follows :

"**RULE 40.** No member or officer of the Council shall be permitted to read the newspapers within the bar of the Council while the Council is in session, or to take any newspapers belonging to the Council from the Council chamber."

The motion to amend, was decided in the affirmative ; and on motion, the Rule was then accepted.

On motion of Mr. McDonell, the Council then adjourned.

TUESDAY, March 27, 1827.

Prayer by the Rev. Mr. Cadle.

Mr. McDonell presented the communication of Robert Abbott, relative to certain claims of said Abbott as Territorial Treasurer and Supervisor. Read and referred to the committee on Claims.

Mr. Bunce presented the petition of sundry inhabitants of the county of St. Clair, praying that the elections of Delegate to Congress and of Members of the Legislative Council may be held at separate times ; and that laws, similar to those of the State of New-York, relative to the collection of debts, may be passed. Read and referred to the committee on the Judiciary.

Mr. Forsyth presented the petition of the proprietors of the River Rouge and the River aux Ecorces Bridges, praying for certain alterations in their charter. Read and referred to the committee on the Judiciary.

Mr. Irwin, from the committee on Territorial affairs, reported "a bill concerning Strays," which was read twice and recommitted to said committee.

Mr. Stockton, from the committee to superintend the printing, made, in conformity with the resolution of the Council, adopted yesterday, the following report, which was laid on the table :

REPORT.

The committee to superintend Printing, who were directed to report the probable expense of printing the several Township laws, report—

That a pamphlet with an octavo page will cost, printed in the English language, for composition and press work, about one dollar per page—in the French language, agreeably to the prices heretofore allowed for translating, the expense would be not less than two dollars and seventy-five cents per page.

This estimate is made for one hundred and fifty copies ; an additional number of two hundred copies, will not increase the expense to exceed twelve dollars.

The committee are of the opinion, that the several Township laws will make a pamphlet of not less than seventy octavo pages."

Mr. Dole, from the select committee to whom the subject was referred, made the following report, which was laid on the table :

REPORT.

The select committee, to whom was referred the petition of Justin Rice and others, praying that the "act to incorporate the Detroit Banking and Insurance Company," may be reconsidered and modified, beg leave to report—

That they have had the same under consideration, and have arrived at the conclusion, that it is inexpedient to grant the prayer of the petitioners."

Mr. Moseley, from the committee on the Judiciary, reported "a bill for the establishment of Common Schools," which was read twice and referred to the committee on Schools.

Also, "a bill to provide for the election, to define the duties, and to fix the compensation of County Surveyors," which was read twice and recommitted.

Mr. McDonell gave notice that he should, at a future day, ask leave to bring in "a bill to provide for the taxing of billiard tables."

Mr. Burt, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz :

An act to incorporate the Detroit Banking and Insurance Company.

An act authorising the administrators of Stephen Mack to convey the lands of the Pontiac Company to Elon Farnsworth, and for other purposes.

An act concerning fines, forfeitures, and penalties.

An act making a certain appropriation, to be paid out of the Territorial treasury.

An act concerning divorces.

An act to incorporate the Clinton River Navigation Company.

An act concerning depositions.

An act securing to mechanics and others, payment for their labor and materials, in erecting any house, mill, or other building, within the city of Detroit or county of Brown.

An act to incorporate the Stockholders of the Bank of Monroe.

And the President signed the same.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill to regulate elections," being a substitute for the "bill to regulate elections," heretofore referred to said committee. Said bill was read twice and recommitted to said committee.

Mr. Stockton, from the select committee to whom was recommended "a bill to amend an act entitled "an act concerning costs and fees," reported the same without amendment; and said bill was then laid on the table.

The "bill for establishing Courts of Probate," was taken up and read the third time.

Mr. Dole then moved that the bill be amended by inserting, after

the words "may direct," in the 15th line of the 1st section, the following, viz: "who shall take an oath to support the constitution of the United States of America, and faithfully and impartially to discharge the duties required of him by law, and." The motion was agreed to.

On motion of Mr. Lawrence, the bill was further amended by striking out the words, "the same," in the 30th line of the 4th section, and inserting the words, "any circuit," in lieu thereof.

Mr. Dole then moved, that the bill be further amended, by striking out the 11th, 12th, 13th, 14th, 15th, and 16th lines of the 2d section, and that the following be inserted in lieu thereof, viz: "And it shall be lawful for the Register to appoint under his hand and seal, a suitable person to be his deputy, who shall take an oath similar to the oath required of the Register, and in case of the sickness or absence of the Register, be authorised to act as Register during such sickness or absence, and for all of whose acts the Register shall be accountable; and in case of the death or resignation of such Register, the said deputy shall perform the duties of Register, until a new one shall be appointed."

The question being on accepting the amendment moved by Mr. Dole,

Mr. Lawrence moved that the bill be laid on the table for further consideration, and the motion was agreed to.

The report from the select committee, on the subject of the several acts of the Governor and Judges, relative to incorporated companies, made the 23d inst. was taken up, and on motion, the further consideration thereof was postponed until Friday next.

The "bill allowing and regulating writs of attachment," was taken up and read the third time.

Mr. Lawrence moved that the bill be amended, by inserting the words, "circuit or," after the words, "clerk of the," in the 10th line of the 1st section; and the motion was agreed to.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill allowing and regulating writs of replevin," was taken up and read the third time.

Mr. Lawrence then moved that the bill be laid on the table for further consideration, and the motion was agreed to.

On motion of Mr. Stockton, the Council then adjourned.

The members of the Council not having left their seats, Mr. Connor proposed that the Council reconsider the vote to adjourn, which proposition being unanimously agreed to,

The Council again came to order; whereupon,

Mr. Stockton moved that the Council do now adjourn; and the motion was decided in the negative.

Mr. Irwin then moved that the Council take a recess until two o'clock; and the motion was lost.

Mr. Stockton moved that the Council adjourn, and the motion was lost.

Mr. Moseley moved that the Council take a recess until three o'clock ; and the motion was lost.

Mr. Stockton then renewed his motion to adjourn, and the motion was decided in the affirmative.

And the Council then adjourned.

WEDNESDAY, March 28, 1827.

Prayer by the Rev. Mr. Coston.

Mr. McDonell, from the select committee to whom was referred the "bill relative to the city of Detroit," reported the same with an amendment, by which the 13th, 14th, 15th, 16th, and 17th sections were stricken out ; and the bill was then considered in committee of the whole.

Mr. Irwin moved that the bill be amended by restoring to it the sections which had been stricken out by the select committee to whom it had been referred ; and the motion was agreed to.

Mr. McDonell moved to strike out of the 3d section, the words, "one collector, one marshal, and three constables;" and the motion was decided in the negative.

Mr. Irwin moved that the bill be amended by striking out the word "collector," in the 3d section ; and the motion was agreed to.

Mr. Irwin then moved that the bill be further amended, by inserting the words, "and one to be collector," after the word "clerk," in the 7th line of the 5th section ; and the motion was decided in the affirmative.

Mr. McDonell moved that the bill be amended by inserting, after the words, "this Territory," in the 33d line of the 11th section, the following, viz : "*Provided always*, That such sale shall in no case exceed the period of years. *Provided also*, That such grounds or lots, and wharves, shall not be leased or sold, until the same shall be first filled up, and the embankments and sluices furnished and completed, as contemplated in the several provisions of this act."

Mr. Dole then moved to amend the amendment, by adding thereto the following, viz : "*Provided further*, That if the owner of any lot so sold, or his attorney or agent, shall, within six months from the time of such sale, pay to the Common Council the charge or expense assessed on his lot so sold, with the interest thereon, and the costs, it shall be the duty of the Common Council to order the city marshal to put the said owner in possession of his said lot within six days thereafter ; and it is hereby made the duty of the said marshal to execute such order, and to call to his assistance so many citizens as may be necessary for that purpose."

And the motion was decided in the affirmative.

The motion to accept the amendment, as amended, was then put, and was decided in the affirmative.

Mr. McDonell then moved that the bill be further amended by striking out all after the words, "owners thereof," in the 4th line of the 15th section, and that the following be inserted in lieu thereof: "And where the said owner or owners, or the legal representative of such owner or owners, shall consent and accept of such other lot or lots in exchange, or the value thereof in money, the said owner or owners, or the legal representative of such owner or owners, shall thereupon release and quitclaim to the Mayor, Recorder, Aldermen and Freemen, of the city of Detroit, all title to his, her, or their lot or lots, the value of which, or some other lot or lots, assessed, to the value thereof, as aforesaid, having been first accepted by such owner or owners, or the legal representative of such owner or owners."

The question on the amendment was decided in the negative; and Mr. McDonell requiring the ayes and nays, they were taken as follows:

Ayes—Messrs. Connor, McDonell—2.

Nays—Messrs. Burt, Bunce, Durocher, Dole, Edwards, Forsyth, Irwin, Lacroix, Lawrence, Moseley, Stockton—11.

On motion of Mr. Forsyth, the bill was further amended by striking out the words, "except the Mayor's Court of said city," in the 21st line of the 24th section.

On motion of Mr. Lawrence, the bill was further amended, by striking out of the 9th line of the 38th section, the following words: "or in which said corporation are in any wise interested."

Mr. McDonell then moved that the bill be amended by adding thereto the following, as an additional section:

"SECT. 51. That all ministerial officers, required by the several provisions of this act, shall be appointed by the said Common Council, subject at all times to be removed at the pleasure of the Mayor, Recorder and Aldermen of the said city, when they shall consider it necessary."

And that the other sections of the bill, which relate to the election of ministerial officers, be altered to correspond with said section.

The question being on receiving said amendment,

Mr. Lawrence moved that the Council take a recess of two hours, and the motion was agreed to.

3 o'clock, P. M.

The Council was called to order, and there not being a quorum, Mr. Stockton moved a call of the members; the call was sustained, and it appeared thereupon, that Messrs. Bunce, Durocher, Forsyth and McDonell, were absent—and the Sergeant-at-Arms was directed to require the attendance of the absent members.

Messrs. Durocher and McDonell having taken their seats, there was a quorum present.

The President announced, that he yesterday presented to the Governor for his signature, acts with the following titles, viz:

- An act relative to the duties and privileges of Townships.
- An act to provide for the partition of lands.
- An act concerning amendments and jeofails.
- An act to restrain unincorporated Banking associations.
- An act concerning Notaries Public.
- An act fixing the rate of toll for grinding.
- An act to direct the mode of proceeding in Chancery.
- An act directing the settlement of estates of persons deceased, and for the conveyance of real estate in certain cases.
- An act to incorporate the Grand Lodge of the Territory of Michigan.
- An act authorising aliens to purchase and hold real estate in this Territory.
- An act concerning apprentices and servants.
- An act for the distribution of insolvent estates.
- An act for the relief of Nathaniel Champ.
- An act to protect Missionary Societies in the Territory of Michigan, for the education of Indians, and other persons of Indian habits.
- An act for the relief of insolvent debtors.
- An act regulating general proceedings in criminal cases.
- An act directing the descent of intestate estates, and for empowering the Judge of Probate to make partition in certain cases.
- An act to regulate Ferries.
- An act for regulating references and determining controversies by arbitration.
- An act empowering the Judge of Probate to appoint guardians to minors and others.
- An act for the support and maintenance of illegitimate children.
- An act concerning Sheriffs.
- An act concerning deeds and conveyances.
- An act concerning Coroners.
- An act to incorporate Medical Societies, for the purpose of regulating the practice of Physic and Surgery in the Territory of Michigan.
- An act to define the duties of County Treasurers.
- An act for the punishment of idle and disorderly persons.
- An act for defraying the public and necessary charges in the respective counties of this Territory, and for other purposes.
- An act to incorporate the Stockholders of the Detroit Steam Mill Company.
- An act to regulate weights and measures.
- An act to authorise Paul D. Anderson, administrator on the estate of Francis Chovin, to convey a certain tract of land.
- An act to incorporate the Detroit Banking and Insurance Company.
- An act authorising the administrators of Stephen Mack to convey the lands of the Pontiac Company to Elon Farusworth, and for other purposes.

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An act concerning fines, forfeitures, and penalties.

An act making a certain appropriation, to be paid out of the Territorial treasury.

An act concerning divorces.

An act to incorporate the Clinton River Navigation Company.

An act concerning depositions.

An act securing to mechanics and others, payment for their labor and materials, in erecting any house, mill, or other building, within the city of Detroit or county of Brown.

An act to incorporate the Stockholders of the Bank of Monroe.

The "bill relative to the city of Detroit," was then taken up in committee of the whole.

Mr. McDonell withdrew the amendment submitted by him this day, as the 51st section of the bill.

Mr. Lawrence moved that the bill be amended by inserting the words, "if such owner or owners shall consent to take such lots," after the words, "value assessed," in the 13th line of the 14th section; and the motion was agreed to.

On motion of Mr. Lawrence, the bill was further amended by inserting the words, "by the consent of such owner or owners," after the words, "lot or lots," in the 4th line of the 15th section.

On motion of Mr. Lawrence, the bill was further amended by inserting the words, "with the approbation and consent of the Governor of this Territory," after the words, "said city," in the 14th line of the 16th section.

The bill, as amended, was then, on motion of Mr. Forsyth, ordered to be engrossed and read a third time on Friday next.

Mr. McDonell asked leave to bring in "a bill to tax billiard tables." On motion, leave was given, and Messrs. McDonell and Irwin were appointed a committee to prepare said bill.

Mr. Forsyth asked leave to bring in "a bill concerning Auctioneers." On motion, leave was given, and Messrs. Forsyth and Irwin were appointed a committee to prepare said bill.

The "bill to provide for the inspection of Provisions, Fish, and Whiskey," was reported without amendment from the committee to whom said bill was recommitted, and was considered in committee of the whole; and, on motion, the further consideration was postponed until Monday next.

Mr. McDonell gave notice that he should at a future day ask leave to bring in "a bill to regulate blacks and mulattoes, and to punish the kidnapping of such persons."

Mr. Moseley, from the committee on the Judiciary, reported without amendment, "a bill to restrain hawkers, pedlars and petty chapmen, from selling without license." Said bill was considered in committee of the whole, and was then ordered to be engrossed and read a third time on Friday next.

Mr. Irwin, from the select committee to prepare "a bill regulating the fees of Judges of Probate," reported said bill, which was read twice and laid on the table.

The report made yesterday, on the petition of J. Rice and others, relative to the act incorporating the Stockholders of the Detroit Banking and Insurance Company, was then taken up, and, on motion, said report was accepted.

On motion of Mr. Burt, the Council then adjourned.

THURSDAY, March 29, 1827.

Prayer by the Rev. Mr. Coston.

Mr. Stockton, from the committee on the Militia, reported "a bill to amend an act entitled "an act to organise the Militia," which was read twice and recommitted.

Mr. Lawrence, from the committee on the Judiciary, to whom was referred the petition of sundry inhabitants of the county of Wayne, praying for an alteration in the laws for the collection of debts, &c. stated that the object of the petitioners was embraced in a bill now before the Council.

Mr. Lawrence, from the committee on the Judiciary, to whom was referred the petition of Joseph Campau and others, praying for the repeal of the "act for the limitation of suits on penal statutes, criminal prosecutions, and actions at law," &c. made a report adverse to the prayer of the petitioners; and the petition was, on motion, laid on the table.

Mr. Forsyth, from the committee to prepare "a bill concerning Auctioneers," reported the same; and said bill was read twice and laid on the table.

The report of the committee on the Judiciary, and the report of the committee to superintend printing, relative to the printing of the Township laws in pamphlet form, were taken up, and again laid on the table.

The following Message, together with the "act to incorporate the Stockholders of the Detroit Banking and Insurance Company," was received from the Governor of the Territory, by the hands of Mr. Ch. C. Trowbridge:

MESSAGE.

To the Legislative Council:

I return, without my signature, the bill entitled "an act to incorporate the Stockholders of the Detroit Banking and Insurance Company."

Without entering into any general considerations, respecting the system of banking operations, it will not be doubted, that when a corporation is created, vested with important pecuniary privileges, proper securities should be provided, that the public will not be injured, either by the use or the abuse of the powers thus granted. We must resort to the experience of other legislatures, to determine what these securities shall be, and their views will be found in the various charters, which have been granted in the different States

of the Union. As our monied institutions have successively fallen, either by the imprudence or frauds of their directors, the necessity of more rigid provisions in the acts of incorporation, has been felt and obeyed. There has been a gradual change in the public opinion upon this subject, and it will be a fortunate change, if improvidence should be checked, either in loaning or borrowing, and if the interests of the community shall be so guarded, that the shocks in our circulating medium may be hereafter avoided.

That the Legislative Council intend to secure the rights of their constituents, there is no doubt, and I may add with truth, that so long as the directors named in the bill should continue in office, their character and standing in life would furnish an ample guarantee, that neither the interests of the institution, nor of the public, would be compromitted, were the charter itself without any of the usual safeguards. But laws must be framed with a view to their permanent operation, and not to the personal characters of those who are to administer them, or upon whom they are immediately to operate.

In considering this bill I perceive several provisions, which appear to me susceptible of amendment; but in the exercise of the duty which devolves upon me, of approving or disapproving the bills passed by the Council, I do not conceive it my duty to enter into any of the ordinary questions of expediency, which furnish most of the subjects of legislative discussion. The Council are the immediate representatives of the people, and may be safely presumed to be acquainted with the feelings of their constituents upon these topics. But on all questions, involving constitutional doubts, or affecting permanently and seriously the interests of the Territory, I feel myself called upon by the obligation of duty, to withhold my sanction to a measure, unless I am satisfied of its constitutionality and utility.

There appear to me to be four objections to this bill, which render it improper that it should become a law in its present form.

1st. There is no limitation, within which the bank must commence its operations. It is usual, and certainly proper in all charters of incorporation, to prescribe some definite period, within which the object shall be accomplished, or the privileges become void. By this bill, important rights are granted to individuals, and the consideration which the public are to receive, is the facility afforded to the community, by the operations of the institution. The charter is framed and granted, with a view to the existing state of things, and it therefore ought not to be retained during the whole term of its operation, to be used or rejected, as subsequent events may appear to require. The public would thus be deprived of the anticipated advantages, and the retention of the charter in the hands of individuals might prevent the establishment of a similar institution by others.

But besides, this company is required by the 25th section, to sub-

scribe four thousand dollars to the stock of the Steam Mill Company. This is a wise and liberal provision, and one in which the public have a deep interest. But it is hoped and expected, that the project of erecting a Steam Mill, will be carried into immediate effect; and if the subscription of the banking company is to aid this project, it must be applied without delay. If therefore, the Steam Mill should commence, before the commencement of the banking operations, this provision would be useless; or if the bank should be long delayed, the other measure might be defeated.

2d. The 26th section of this bill provides, "that no person or copartnership within this Territory, shall hold more than one hundred and fifty shares of the stock of said first mentioned company," and the 11th section provides, that no stockholder, unless actually resident within the United States, shall vote at elections or on any other occasion by proxy; thus clearly implying, that foreigners may hold stock in this bank.

It therefore follows, that while a citizen of this Territory is restricted to one hundred and fifty shares, a person from Canada, or a citizen of any of the States, may subscribe to any amount. Certainly, this is a very unusual, if not an unconstitutional prohibition. This bill creates privileges, and our own citizens are at least as well entitled to them, as the citizens of the States, and far better than foreigners. If this provision was introduced to bring capital from other places, here, it is useless, if not injurious. To limit the amount of stock to be taken in the Territory, is to presuppose that there is unemployed capital in the Territory, which would seek this investment. If there be not, the limitation is useless, and if there be, it is better that it should be thus employed, and the profits retained here, than that it should be idle, and a considerable amount of interest annually sent from the Territory.

3d. The 21st section authorises the company "to employ any portion of their capital, which may belong or accrue to them, in the purchase of public or other stocks or in other monied transactions or operations not inconsistent with the laws of this Territory, or the constitution of the United States."

The peculiar phraseology adopted here, would permit the corporation to engage in monied transactions or operations, inconsistent with the laws of the United States. This objection is decisive to the section; but there are other considerations connected with this general grant of power, which render it inexpedient, and I think dangerous.

Should the time arrive, during the existence of this company, when its capital could not be employed in those operations, which come within the sphere of its banking and insuring powers, two modes present themselves of giving a proper direction to their unemployed funds. One is, by a distribution among the stockholders, of all that may not be required for the general purposes of the corporation; and the other, by an application for additional powers, to

the Legislature of the Territory. It is certainly safer to wait, until there is a prospect of this result, than it is to grant extensive powers, whose operation cannot be foreseen. Those who may succeed us in the duty of legislation, will be more competent than we can now be, to determine what new privileges future exigencies may require, and this question may be safely committed to them.

Besides, this section confers immediate vested rights, and whatever may be now done by the corporation, may be done at any time during the existence of the charter. Great changes may occur in the situation and public policy of the Territory, before the expiration of this law. What it may be proper to omit now, it may be hereafter necessary to prohibit, and it is certainly inexpedient to place this subject beyond the control of the existing legislature, merely to provide for a contingency which may never happen; and which, if it does happen, can be as well provided for then as now. I am inclined to think, that this general authority would give to the company the power of establishing branches in every part of the Territory. This is certainly a power, which should be reserved for the Legislature only.

4th. The 22d section vests in the company a general right of insurance, and the only restriction upon this right is, that fifty thousand dollars shall be paid in before it can be exercised, and that this fund shall be kept separate from the banking capital.

This power to "make all kinds of insurance," is too general in its terms for the public interest. It extends to fire, and to the hazards of the ocean and lakes. To life insurance, and to lottery tickets. And in fact, to every risk which the wildest spirit of adventure may prompt the parties to encounter. I have examined some of the insurance laws in the various States, but I cannot find one with powers as extensive as this. I confess, I am not able to foresee the full consequences of such a grant, but it is apparent, it may be applied to the promotion of objects, which every dictate of sound policy calls upon the Legislature to repress, rather than to encourage.

I think the company should be restricted to insurance against fire, or against the ordinary casualties of land and water transportation, or against both. And after this general limitation, such further securities should be provided as are usually found in the various statutes, incorporating similar institutions.

With these changes in the features of the bill, I would cooperate in giving it effect. Whether they shall be made, or the bill shall fail, I submit to the decision of the Council.

The act to incorporate the Stockholders of the Bank of Monroe, not being liable to any of these objections, has been approved.

LEW. CASS.

Detroit, March 29, 1827.

On motion, the Message and the act returned to the Council therewith, were referred to the select committee by whom said act had been reported.

The "bill defining the mode of laying out and establishing Territorial Roads," was taken up, read the third time, and again laid on the table.

The "bill for establishing Courts of Probate," was taken up, and the amendment moved by Mr. Dole on the 27th inst. was accepted. The question on the passage of the bill was then put, and was decided in the affirmative; so the bill passed.

The "bill to regulate the admission and practice of Attorneys and Counsellors at Law," was taken up and considered in committee of the whole. Said bill was then, on motion, ordered to be engrossed and read the third time to-morrow.

The "bill concerning Mortgages," was considered in committee of the whole; and, on motion, was again laid on the table for further consideration.

Mr. Forsyth moved that the Council take a recess of two hours, and the motion was decided in the negative.

On motion of Mr. Lawrence, the Council then adjourned.

FRIDAY, March 30, 1827.

Prayer by the Rev. Mr. Coston.

Mr. Moseley, from the committee on the Judiciary, to whom the subject had been referred, made the following report:

REPORT.

The committee on the Judiciary, to whom was referred the petition of Jer. V. R. Ten Eyck, ask leave to report—

That the fine and costs asked to be remitted to the said petitioner, was imposed by the Supreme Court of the Territory, sitting as a District Court of the United States: that said fine and costs have not been paid into the Territorial treasury, but into the hands of the United States' Marshal: that the Council have no control over the same; and that whatever relief the petitioner may be entitled to, must be sought for from the Executive of the Territory.

The report was laid upon the table.

Mr. Dole, from the select committee to whom the subject was referred, made the following report:

REPORT.

The select committee to whom was referred the "bill to incorporate the Stockholders of the Detroit Banking and Insurance Company," and the communication of his Excellency the Governor respecting the said bill, having had the same under consideration, beg leave to report—

The following amendments to the said bill, which in the opinion of your committee, will obviate the objections of his Excellency to said bill heretofore submitted to him, to wit:

To the first objection (that no limitation had been prescribed for

the time in which the said company should commence its operations,) that the following section be added :

SECT. 31. That this act shall be void, unless the said company shall actually pay into the said bank the sum of twenty thousand dollars for the use of the said company as a banking institution, and the sum of sixty thousand dollars, for the purposes of insurance, on or before the first day of April in the year one thousand eight hundred and twenty-nine.

To the second objection of his Excellency, your committee recommend that the twenty-sixth section be amended, by striking out the words, "within this Territory."

To the third objection, your committee recommend an amendment of the twenty-first section, by striking out all of said section after the word "stocks," and that the following proviso be inserted :

Provided, That the said company shall not establish any branch of the said institution for the purposes authorised by this act.

To the fourth objection, your committee recommend, that section twenty-two be stricken out, and that the following be substituted :

SECT. 22. That the President and Directors shall have full power, in the name and behalf of said corporation, to make all kinds of insurances against fire, and the casualties and dangers of transportation by water, and generally to do and perform all things relating thereto ; and all policies shall be signed by the President, or in case of his absence or inability, by the President pro tempore, and countersigned by the Cashier, and such policies shall be binding upon the said corporation to the extent of said policies, provided the same be done according to the rules and regulations of said corporation : *Provided*, That the said company shall not grant any policies of insurance, or do or perform any thing relative to the granting any insurance by virtue of this act, until there shall be sixty thousand dollars actually paid in by the said company for the sole purpose of insurance, which shall be kept separate and apart from the capital stock of said company paid in for banking purposes ; and no discounts or other banking business shall be made or transacted on the amount of such part of the capital stock of said company paid in for the purposes of insurance : *Provided*, That the bank shall be allowed to do all banking business authorised by this act, as soon as the sum of twenty thousand dollars of the stock be paid in, if paid in within the time required by this act.

Your committee further recommend, that the words in said bill, "the Detroit Banking and Insurance Company," be stricken out, and that the words, "Merchants' and Mechanics' Bank of Michigan," be inserted in lieu thereof.

The report was laid on the table.

A Message by Mr. Brush :

"*Mr. President*—The Governor has this day approved and signed, "an act relative to the duties and privileges of Townships," and "an act for defraying the public and necessary charges in the respective counties of this Territory, and for other purposes."

On motion of Mr. Burt, the 27th Rule for the government of the Council in the transaction of business was suspended ; and,

On motion of Mr. Dole, the report of the select committee, relative to the " bill for incorporating the Stockholders of the Detroit Banking and Insurance Company," was taken up ; and after considering the same, said report was again laid on the table.

Mr. Burt asked leave to bring in a " bill for the relief and settlement of the poor." On motion, leave was given, and Messrs. Burt and Lawrence were appointed a committee to prepare said bill.

Mr. Irwin, from the select committee to whom was referred the petition of Roswell Root and others, praying that Bethuel Farrand may be compensated for his labor and expenses on the road leading from Detroit to Ann Arbor, made a report favorable to the prayer of the petitioners ; which was laid on the table.

Mr. Stockton, from the committee on the Militia, to whom was recommitted " a bill to amend an act entitled " an act to organise the Militia," reported the same with an amendment. The bill was then taken up, and the amendment reported thereto was accepted. On motion, the bill was then laid on the table for further consideration.

Mr. Irwin, from the committee on the Judiciary, reported " Resolutions relative to printing the laws relative to Townships, and the laws relative to Elections," which were read twice and recommitted.

Mr. Irwin laid on the table the following resolution :

Resolved, That it is inexpedient to publish the laws heretofore passed and to be passed by the present Council, in the several papers of this Territory, and that the editors authorised by a resolution of the Council, adopted the 29th November, 1826, be notified to suspend the publication thereof.

The " bill relative to the city of Detroit," was taken up and read the third time.

Mr. McDonell then moved to amend the bill by inserting the following, after the word " Territory," in the 4th line of the 15th section, viz : " and when the said owner or owners, or the legal representatives of such owner or owners, shall consent and accept of such other lot or lots, in exchange, or the value thereof in money, the said owner or owners, or the legal representative of such owner or owners shall thereupon release and quit-claim to the Mayor, Recorder, Aldermen and Freemen of the city of Detroit, all title to his, her, or their lot or lots, the value of which, or such other lot or lots assessed, to the value thereof as aforesaid, having been first accepted by such owner or owners, or the legal representative of such owner or owners."

The motion was decided in the negative ; and Mr. McDonell having required the ayes and nays, they were taken as follows :

Ayes—Messrs. Connor, McDonell—2.

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Nays—Messrs. Burt, Bunce, Durocher, Dole, Edwards, Forsyth, Irwin, Lacroix, Lawrence, Moseley, Stockton—11.

On motion of Mr. Forsyth, the blank in the 5th line of the 24th section was filled with the word "forty."

On motion of Mr. Forsyth, the bill was further amended, by adding the following at the close of the 15th section, viz: "*Provided also*, That for recording and registering all deeds and other instruments, necessary and proper to be recorded and registered, in the fulfilment of the change of the plan of said city in manner aforesaid, the Common Council of said city shall, at the expense of said city, procure such record books and blanks, as the said Common Council may deem suitable; and the City Register shall be, and he is hereby required, when such record books and blanks shall be procured as aforesaid, to make therein all records, and registry of all deeds and other instruments that may be deemed necessary by said Common Council. And the City Register shall receive six and one fourth cents for every one hundred words actually written, and no more."

On motion of Mr. McDonell, the bill was further amended, by adding the following, at the close of the 21st section, viz: "*And provided also*, That the Mayor, Recorder, and Aldermen of the said city, shall have full power and authority, as is provided for in the eleventh section of this act, for the preservation of the health of the city of Detroit, to remove all nuisances on the margin of the river Detroit, to the distance of half a mile above and half a mile below the limits of said city."

On motion of Mr. Moseley, the blank in the 11th section was filled with the word "seven."

On motion of Mr. Lawrence, the bill was further amended, by inserting the following after the word "Wayne" in the proviso. at the close of the 14th section thereof, viz: "and said court shall cause an issue to be made up, and the amount of damages to be assessed by a jury;" and the words, "by consent of such owner or owners," were stricken out of the 4th line of the 15th section.

On motion of Mr. Burt, the bill was further amended, by inserting, after the word "aforesaid," in the 2d line of the 15th section, the following, viz: "or so much thereof as shall be covered by any street or alley."

On motion, the question "shall the bill pass?" was then put, and was decided in the affirmative.

On motion of Mr. Bunce, the Council then took a recess of one hour.

2 o'clock, P. M.

On motion of Mr. Dole, the report made this day from the select committee to whom was referred the Message of the Governor relative to the "bill to incorporate the Stockholders of the Detroit Banking and Insurance Company," was taken up, together with said bill, and the Council having accepted of the amendments submitted by said committee,

Mr. Dole moved that the blank in the 31st section of the bill be filled, so as to read, "the first day of April, in the year one thousand eight hundred and twenty-nine," and the motion was agreed to.

On motion, the question on the passage of the bill was then put, and was decided in the affirmative; so the bill passed.

The "bill to restrain hawkers, pedlars and petty chapmen from selling without license," was taken up, read the third time, and having received an amendment, was passed.

The "bill to regulate the admission and practice of Attorneys and Counsellors at Law," was taken up, read the third time, and passed.

The "bill concerning Auctioneers," was considered in committee of the whole, and was ordered to be engrossed and read a third time on Tuesday next.

Mr. McDonell moved that the "bill to regulate and define the duties and powers of Justices of the Peace and Constables in civil cases," be referred to a select committee of three members. The motion was agreed to; and,

Messrs. McDonell, Dole, and Lawrence, were appointed the said committee.

On motion of Mr. Lawrence, the Council then adjourned.

SATURDAY, March 31, 1827.

Prayer by the Rev. Mr. Coston.

Mr. Connor presented the petition of John Bronson, praying for additional compensation for the use of a committee room. Referred to the committee on Claims.

A Message by Mr. Brush:

Mr. President—The Governor of the Territory has this day signed "an act to incorporate the Stockholders of the Detroit Steam Mill Company."

Mr. Irwin, from the committee on the Judiciary, reported "a bill concerning Town plats," which was read twice and ordered to be engrossed and read the third time on Tuesday next.

Mr. Moseley, from the committee on the Judiciary, to whom had been recommitted "a bill concerning the Supreme, Circuit, and County Courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein in certain cases," reported the same with amendments, which were accepted by the Council; and, on motion, the bill was then ordered to be engrossed and read a third time on Wednesday next.

The "bill to regulate the fees of Judges of Probate," was, on motion of Mr. Irwin, taken up and recommitted to the select committee by whom it was reported.

Mr. Burt, from the select committee to prepare "a bill for the relief and settlement of the poor," reported said bill, which was read twice; and, on motion, said bill was ordered to be engrossed and read a third time on Thursday next.

The resolution submitted by Mr. Irwin, yesterday, relative to the publication of the laws in the newspapers in this Territory, was taken up; and,

Mr. Lawrence submitted the following as a substitute:

Resolved, That the said printers be authorised to print such of the laws of this Territory in their respective papers, as shall be designated by the President of this Council, and that said printers shall be allowed and paid for the same, out of the contingent fund of this Council, the sum of seventy-five dollars each, and no more.

On motion of Mr. Irwin, the resolution and the substitute were then referred to the committee on the Judiciary.

Mr. McDonell, from the select committee to prepare "a bill to provide for licensing billiard tables," reported said bill, which was read twice and considered in committee of the whole; the bill was then, on motion, recommitted to said select committee.

The "bill concerning habitual drunkards and to protect their estates," was taken up, read the third time and passed.

The "bill defining the mode of laying out and establishing Territorial Roads," was taken up and read the third time.

Mr. Dole then moved to strike out the words, "one dollar and fifty cents," in the first line of the 5th section; and the motion was decided in the negative.

The bill was then passed.

The "bill allowing and regulating writs of replevin," was taken up, and the question being on its passage, it was put, and decided in the affirmative; so the bill passed.

Mr. Irwin, from the select committee to whom had been recommended "a bill regulating the fees of Judges of Probate," reported said bill with amendments; and it was then laid on the table.

On motion of Mr. Burt, the Council then adjourned.

MONDAY, April 2, 1827.

Prayer by the Rev. Mr. Richard.

Mr. McDonell presented the claim of Thomas Knowlton, for services as crier in the Supreme Court for September term of 1824. Referred to the committee on Claims.

Mr. McDonell, from the select committee to whom was referred "a bill to regulate and define the duties and powers of Justices of the Peace and Constables, in civil cases," reported the same with amendments. The bill was then considered in committee of the whole, and laid on the table.

Mr. Lawrence, from the committee on the Judiciary, to whom was recommitted "a bill concerning Strays," reported the same without amendment. The bill was then considered in committee of the whole, and was ordered to be engrossed and read a third time on Wednesday next.

Mr. Irwin, from the committee on the Judiciary, reported, with amendments, the resolution and substitute therefor, which had been referred to said committee, relative to the publishing of the laws passed by the present Council, in the papers in this Territory; the amendments were accepted, and the resolution was then adopted, as follows:

Resolved, That it is inexpedient to publish the laws heretofore passed, and to be passed, by the present Council, in the several papers of this Territory, and that the editors authorised by a resolution of this Council, adopted the 29th November, 1826, be notified to suspend the publication of said laws; and in lieu thereof, the said printers be authorised to print such of the laws of this Territory in their respective papers, as shall be designated by the President of this Council, and that said printers shall be allowed and paid for the same, out of the contingent fund of this Council, the sum of seventy-five dollars each, and no more.

Mr. Irwin, from the committee on the Judiciary, reported, with amendments, "Resolutions relative to printing the laws relating to Townships, and the laws relative to Elections." The amendments were accepted, and the resolutions were then considered in committee of the whole.

Mr. Lawrence moved that the following be stricken out from the first resolution, viz: "An act to divide the several Counties in this Territory into Townships, and for other purposes;" and the motion was agreed to.

The resolutions were then laid on the table.

Mr. Burt, from the committee on Schools, to whom had been referred "a bill for the establishment of Common Schools," reported the same with amendments. The amendments were severally agreed to, and, on motion, the bill was then ordered to be engrossed and read a third time on Wednesday next.

Mr. Irwin, from the committee of Enrolment, reported, as correctly enrolled, the bill entitled "an act to incorporate the Stockholders of the Merchants' and Mechanics' Bank of Michigan," and the President signed the same.

Mr. McDonell asked leave to bring in "a bill to regulate negroes and mulattoes, and to punish the kidnapping of such persons." On motion, leave was given, and Messrs. McDonell, Irwin, and Lawrence, were appointed a committee to prepare said bill.

Mr. Irwin, from the select committee to whom was recommitted "a bill to provide for licensing billiard tables," reported the same with amendments, and said bill was laid on the table.

The President presented the communication of the Territorial Treasurer, containing an estimate of the expenses of the Territory for the current year. Read and laid on the table.

Mr. McDonell gave notice that he should, at a future day, ask leave to bring in "a bill for the prevention of immoral practices."

The President announced that he this day presented to the Go-

vernor of the Territory, for his signature, the "act to incorporate the Stockholders of the Merchants' and Mechanics' Bank of Michigan."

On motion of Mr. Lawrence, the Council then adjourned.

TUESDAY, April 3, 1827.

Prayer by the Rev. Mr. Richard.

The President presented the petition of sundry inhabitants of the county of Wayne, praying for the passage of a law to prevent the sitting up of tents, &c. for the selling of spirituous liquors, and also, to prevent the disturbance of religious assemblies. The petition was read, and,

Mr. Burt moved that said petition be referred to a select committee of two. The motion was agreed to, and,

Messrs. Burt and McDonell were appointed said committee.

Mr. Irwin, from the committee on the Judiciary, reported "a bill to abolish the Board of County Commissioners, within the several counties of this Territory," which was read twice, and on motion, was referred to the committee on Territorial affairs.

Mr. Burt, from the committee on Roads and Highways, reported "a bill to provide for laying out a certain road therein mentioned." Said bill was read twice and laid on the table.

Mr. McDonell, from the select committee to prepare "a bill to regulate blacks and mulattoes, and to punish the kidnapping of such persons," reported the same; which was read twice and recommit-
ted.

A Message by Mr. Trowbridge:

Mr. President—The Governor, on the 31st ultimo, signed the acts with the following titles:

An act to authorise Paul D. Anderson, administrator on the estate of Francis Chovin, deceased, to convey by deed, certain real estate to Abraham Edwards or his assignee, in pursuance of a contract made with said Edwards by said Chovin, in his lifetime.

An act for the relief of Nathaniel Champ.

An act authorising the administrators of Stephen Mack, to convey the lands of the Pontiac Company to Elon Farnsworth, in trust, and for other purposes.

An act securing to Mechanics and others payment for their labor and materials, in erecting any house, mill, or other building, within the city of Detroit or county of Brown.

An act authorising aliens to hold real estate in this Territory.

And the Governor has this day signed "an act to incorporate the Stockholders of the Merchants' and Mechanics' Bank of Michigan."

On motion of Mr. Irwin,

Resolved, That a select committee of two members be appointed to prepare a Memorial to the President of the United States, for the

reoccupation of the post of Prairie du Chien, by the troops of the United States, which has been recently abandoned by an order from the Department of War.

Messrs. Irwin and Moseley were appointed the committee contemplated in the foregoing resolution.

Mr. Burt, from the committee of Enrolment, reported, as correctly enrolled, bills with the following titles, viz :

A bill to regulate Highways.

A bill relative to the city of Detroit.

And the President signed the same.

The "bill to regulate and define the duties and powers of Justices of the Peace and Constables, in civil cases," was then taken up and considered in committee of the whole, with the amendments reported thereto, by the select committee to whom said bill had been referred.

Mr. Lawrence moved that the sections reported by the select committee, to stand as the 6th, 7th, 8th, and 9th sections of said bill be stricken out ; and the motion was agreed to.

On motion of Mr. Lawrence, the section reported by the select committee as the 18th section, was stricken out ; and the yeas and nays being required by Mr. McDonell, on the question to strike out said section, they were taken as follows :

Ayes—Messrs. Burt, Bunce, Connor, Durocher, Dole, Edwards, Irwin, Lawrence—8.

Nays—Messrs. Lacroix, McDonell—2.

Mr. Lawrence then moved that the 20th, 21st, 22d, and 23d sections as reported by the select committee, be stricken out. The motion was decided in the affirmative ; and Mr. McDonell having required the ayes and nays upon the question, they were taken as follows :

Ayes—Messrs. Burt, Bunce, Durocher, Dole, Edwards, Irwin, Lawrence, Moseley, Stockton—9.

Nays—Mr. McDonell.

Mr. Lawrence then moved that the 24th, 25th and 26th sections, as reported by the select committee, be stricken out ; and the motion was decided in the affirmative ; and the yeas and nays were taken as follows, at the request of Mr. McDonell :

Ayes—Messrs. Burt, Bunce, Dole, Durocher, Edwards, Forsyth, Lawrence, Moseley, Irwin, Stockton—10.

Nays—Mr. McDonell.

On motion, the amendment reported to the bill by the select committee as the 28th section, was accepted.

On motion, an amendment, heretofore submitted to the bill by Mr. Moseley, from the committee on the Judiciary, to stand as the 25th, 26th and 27th sections of the bill, was then accepted.

Mr. Forsyth moved that the Council take a recess of two hours ; and the motion was decided in the negative.

Mr. Bunce then moved that the Council adjourn, and the motion was decided in the negative.

On motion of Mr. Lawrence, the "bill to regulate and define the duties and powers of Justices of the Peace and Constables, in civil cases," was then ordered to be engrossed and read a third time on Friday next.

Mr. Dole gave notice that he would hereafter require the ayes and nays to be recorded in every question, where there existed a manifest diversity of sentiment among the Members of the Council; and that he should hereafter require, during the remaining part of the session, the observation of the 13th Rule for the government of the Council in the transaction of business.

On motion of Mr. Lawrence, the Council then adjourned.

WEDNESDAY, April 4, 1827.

Prayer by the Rev. Mr. Richard.

Mr. Irwin, from the committee on the Judiciary, to whom had been referred "a bill to abolish the Board of County Commissioners in the several counties of this Territory," reported as a substitute therefor a bill with the same title. Said bill was read twice, and on motion, was then read a third time and passed.

Mr. McDonell, from the select committee to whom was recommended "a bill to regulate blacks and mulattoes, and to punish the kidnapping of such persons," reported the same with amendments, and said bill was laid on the table.

Mr. Burt, from the committee of Enrolment, reported, as correctly enrolled, bills with the following titles, viz:

A bill to prevent gaming.

A bill to regulate Taverns.

And the President signed the same.

The "bill concerning Town Plats," was taken up, read the third time, and passed.

The "bill concerning Auctioneers," was taken up, and read the third time.

Mr. Forsyth moved that the bill be amended by inserting the following, after the words "three months," in the 25th line of the 1st section, viz: "stating the time when, and the name of the person or persons, for whom the sale was made;" and the motion was agreed to.

On motion of Mr. Forsyth, the bill was further amended, by adding the following section thereto, viz:

"SECT. 4. That no Auctioneer shall receive any fee or reward for selling any goods, wares, or merchandise or effects, at private sale; nor shall he receive any greater reward than after the rate of two per cent. on the amount of goods sold."

The question "shall the bill pass," was then put, and was decided in the affirmative.

The "bill for the establishment of Common Schools," was taken up and read the third time. On motion, the further consideration of said bill was postponed until to-morrow.

The "bill concerning Strays," was taken up, read the third time, and again laid on the table.

The "bill to amend an act entitled 'an act concerning costs and fees,'" was taken up, read the third time, and again laid on the table.

The "bill concerning judgments and executions," was taken up in committee of the whole; the question being on the motion of Mr. McDonell, heretofore made, to strike out all after the enacting clause of said bill.

The motion to strike out being put, it was decided in the negative.

Mr. McDonell required the ayes and nays on the question, and they were taken as follows:

Ayes—Messrs. Connor, Durocher, Edwards, Lawrence, Lacroix, McDonell—6.

Nays—Messrs. Burt, Bunce, Dole, Forsyth, Irwin, Moseley, Stockton—7.

On motion of Mr. Moseley, the bill was then amended by adding thereto the following section, viz:

"SECT. 33. That upon all executions, to be issued after the day of _____ it shall be the duty of the Clerk issuing such execution, to endorse thereon—"This execution upon contract, made after (or before, as the case may be) the day of _____;" or, if the execution be issued upon a judgment, obtained upon a cause of action, other than upon a contract, the said clerk shall endorse thereon—"upon cause of action accrued after (or before, as the case may be) the day of _____."

On motion of Mr. Forsyth, the blank in the 2d section was filled so as to read, "the first day of January next."

On motion of Mr. Forsyth, the bill was further amended by striking out the word "ten," in the 6th line of the 7th section, and inserting in lieu thereof, the word "thirty."

On motion of Mr. Lawrence, the Council then took a recess of one hour.

2 o'clock, P. M.

The Council went into committee of the whole on the "bill concerning judgments and executions."

On motion of Mr. Stockton, the word "one" was stricken out in the 5th line of the 10th section; and, on motion of Mr. Burt the word "two," was inserted in lieu thereof.

On motion of Mr. Stockton, the word "ten," was stricken out in the 13th line of the 10th section; and, on motion of Mr. Lawrence, the word "six," was inserted in lieu thereof.

On motion of Mr. Lawrence, the second section of said bill was stricken out, and the following inserted in lieu thereof, viz:

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"SECT. 2. That all lands and tenements, as well as goods and chattels, shall be bound from the time they are seized in execution."

Mr. Lawrence moved, that the bill be further amended, by filling the blank in the 26th section as follows, viz: "one cow, two hogs, twelve sheep, and the wool of the same; all provisions actually laid in, and necessary for the use of the family, not exceeding 200 pounds of meat; and 10 bushels of grain, and the flour of the same; all the flax in the possession of such family, and the yarn or thread manufactured therefrom; two spinning wheels; one bed and bedding for every two persons in the family; the usual and common wearing apparel of such family; any quantity of cloth manufactured by such family, not exceeding seventy-five yards; two pots or kettles; and any other articles of household furniture which the debtor may select, not exceeding thirty dollars in value, to be appraised by two disinterested householders; and the tools of a mechanic, to be selected as above, not exceeding twenty dollars in value, to be appraised as aforesaid; all bibles, prayer books, hymn books and school books, actually used in the family; and when the defendant's only occupation is farming, one yoke of oxen, or one horse and cart, chain and plough, and such reasonable quantity of forage as may have been provided for them, and the other live stock hereby excepted."

Mr. Forsyth moved to amend the amendment, by adding, after the words "horse and cart," the words, "or one span of horses." The motion was decided in the negative; and Mr. Forsyth having required the ayes and nays upon the question, they were taken as follows:

Ayes—Messrs. Connor, Edwards, Forsyth, McDonell—4.

Nays—Messrs. Burt, Bunce, Durocher, Dole, Irwin, Lacroix, Lawrence, Moseley, Stockton—9.

Mr. McDonell moved to amend the amendment, by including among the articles to be exempted from execution, all stoves in actual use; and the motion was decided in the negative. The ayes and nays were required by Mr. McDonell, and they were taken as follows:

Ayes—Messrs. Connor, Edwards, Irwin, Moseley, McDonell—5.

Nays—Messrs. Burt, Bunce, Durocher, Dole, Forsyth, Lacroix, Lawrence, Stockton—8.

The question was then put on the amendment moved by Mr. Lawrence, and it was decided in the negative. Mr. McDonell called for the ayes and nays on the question, and they were taken as follows:

Ayes—Messrs. Durocher, Edwards, Irwin, Lacroix, Lawrence, McDonell—6.

Nays—Messrs. Burt, Bunce, Connor, Dole, Forsyth, Moseley, Stockton—7.

On motion, the further consideration of the bill was then postponed.

Mr. McDonell asked leave to bring in "a bill to prevent immoral practices." On motion, leave was given, and Messrs. McDonell and Dole were appointed a committee to prepare said bill.

Mr. Irwin, from the committee of Enrolment, reported, as correctly enrolled, a bill entitled "an act to divide the several counties in this Territory into Townships, and for other purposes;" and the President signed the same.

On motion of Mr. Stockton, the Council then adjourned.

THURSDAY, April 5, 1827.

Prayer by the Rev. Mr. Richard.

Mr. Dole presented the account of John McDonell for certain books. Referred to the committee on Claims.

Mr. Lawrence presented the account of E. D. Ellis, for newspapers and printing for the Legislative Council. Referred to the committee on Claims.

Mr. Dole, from the select committee to prepare "a bill for the prevention of immoral practices," reported the same, which was read twice, and recommitted to said committee.

Mr. McDonell moved that an additional member be added to said select committee. The motion was agreed to, and,

Mr. Burt was appointed to said committee.

Mr. Irwin, from the committee on the Judiciary, reported "a bill to provide for taking a census within the Territory of Michigan." Said bill was read twice, and, on motion, was ordered to be engrossed and read a third time on Saturday next.

The "bill concerning Strays," was taken up.

On motion of Mr. Burt, the blank in the 1st section, was filled so as to read, "the first day of November and the first day of April."

On motion, the blank in the 2d section of said bill was filled with the word "May."

On motion, the blank in the 3d section was filled with the word "May."

Mr. Burt then moved that the bill be amended by adding thereto three sections, relative to the taking up and disposal of boats that may be adrift. The sections were received.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill for the establishment of Common Schools," was taken up.

Mr. Irwin moved that the bill be amended, by adding thereto the following section:

"SECT. 11. That nothing in this act contained shall be so construed as to make it obligatory on any Township of this Territory to employ teachers, as provided by this act, unless a majority of the inhabitants of such Townships shall, in full meeting, agree to the same."

The motion was agreed to.

Mr. Lawrence required the ayes and nays on the question, and they were taken as follows :

Ayes—Messrs. Bunce, Connor, Dole, Edwards, Forsyth, Irwin, Stockton—7.

Nays—Messrs. Burt, Durocher, Lacroix, Lawrence, Moseley, McDonell—6.

On motion of Mr. Burt, the bill was amended by inserting the words "or French," after the word "English," in the 6th line of the 6th section.

The bill was then laid on the table.

A Message by Mr. Brush :

Mr. President—The Governor of the Territory has this day signed "an act relative to the city of Detroit."

The "bill concerning judgments and executions," was taken up in committee of the whole.

On motion of Mr. Stockton, the blank in the 26th section was filled by inserting the following, viz : "one cow, two beds and bedding, ten sheep and the wool of the same, provisions necessary for the family for six months, all wearing apparel, five hogs, all bibles and school books belonging to the family, and the necessary cooking utensils : *Provided*, That such cooking utensils and other furniture, shall not exceed the value of twenty dollars, to be determined by two householders."

The bill as amended, was then, on motion, ordered to be engrossed and read a third time to-morrow.

The "bill concerning Mortgages," was taken up in committee of the whole.

On motion, the bill was amended by striking out the 16th section, and adding to said bill a substitute for said section, together with three sections, to stand as the 17th, 18th and 19th sections thereof.

Mr. Irwin moved to strike out from the amendment which had been received, the word "ten," in the 12th line of the 17th section ; and the motion was agreed to.

Mr. Forsyth then moved that the word "eight," be substituted ; and the motion was lost.

On motion of Mr. Moseley, the word "seven," was inserted in lieu of the word "ten," which had been stricken out.

On motion of Mr. Forsyth, the blank in the 19th section was then filled so as to read, "the first day of January."

Mr. McDonell then moved that the bill be amended, by striking out the word "one," in the 5th line of the 17th section, and inserting in lieu thereof the word "two ;" and the motion was agreed to.

The bill, as amended, was then, on motion, ordered to be engrossed and read the third time to-morrow.

The President announced that he yesterday presented to the Governor of the Territory, for his signature, "an act relative to the city of Detroit," and "an act to regulate Highways."

On motion of Mr. Lawrence, the Council took a recess of one hour.

2 o'clock, P. M.

Mr. Forsyth required a call of the Council; and the call being sustained, it appeared that Messrs. McDonell, Lacroix, Lawrence, Durocher, Burt, Moseley, Dole, Bunce, and Irwin, were absent. The Sergeant-at-Arms was directed to require the attendance of the absent Members; and Messrs. Lawrence, Burt, Moseley, Irwin, and Dole having taken their seats;

The "bill for the relief and settlement of the Poor," was taken up, read the third time, and passed.

Mr. McDonell gave notice, that he should, at a future day, ask leave to bring in "a bill relative to the Poor."

Mr. Moseley moved that the house reconsider the motion to order the "bill concerning Mortgages," to be engrossed for a third reading to-morrow. The motion was agreed to.

On motion of Mr. Moseley, the bill was then read a third time, and passed.

On motion of Mr. Irwin, the "bill for the establishment of Common Schools," was taken up.

Mr. Irwin then moved that the bill be amended by striking out the 11th section thereof, and inserting in lieu thereof the following:

"SECT. 11. That nothing in this act contained, shall be so construed as to make it obligatory on any Township of this Territory, to employ teachers as provided by this act: *Provided*, That the electors at the annual Township meeting, by a vote of two thirds of all the electors present at such meeting, shall determine that they will not comply with the provisions of this act for that year."

The motion was decided in the affirmative.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill to amend an act entitled 'an act concerning costs and fees,'" was taken up.

Mr. McDonell moved that the bill be amended by striking out the 10th, 11th and 12th lines of the 1st section, and that the following be inserted in lieu thereof, viz: "For attendance on the Supreme Court, three dollars per day, payable out of the Territorial treasury. For attendance on the Circuit and County Courts, two dollars per day, to be paid out of the county treasury in such county."

The motion was decided in the negative.

Mr. McDonell then moved that the 2d section of said bill be stricken out.

On motion, the bill was then laid on the table for further consideration.

The "bill to provide for licensing billiard tables," was taken up.

On motion of Mr. McDonell, the first blank in the 2d section was filled with the word "fifty."

On motion of Mr. Forsyth, the second blank in the said section, was filled with the words "two hundred."

The bill was then ordered to be engrossed and read a third time to-morrow.

The "bill to amend an act entitled 'an act to organise the Militia,'" was taken up.

On motion of Mr. Stockton, the words, "at their several places of meeting," was inserted after the word "annually," in the third line of the 2d section.

On motion of Mr. Forsyth, the blank in the second line of the 5th section, was filled with the word "fifty."

On motion of Mr. Forsyth, the blank in the 6th section of the bill was filled with the word "five."

Mr. Lawrence then moved, that the first section of said bill be stricken out.

The bill was then laid on the table.

On motion of Mr. Burt, the Council then adjourned.

FRIDAY, April 6, 1827.

Prayer by the Rev. Mr. Richard.

Mr. Dole presented the proceedings of a meeting of sundry inhabitants of the county of Oakland, held at Pontiac on the 21st of March, 1827, and a memorial of G. O. Whittemore, Elisha Beach, O. D. Richardson, H. O. Bronson, and Elias Comstock, being a committee on behalf of said meeting; praying for an alteration of the laws of the Territory, so as to effect a more speedy collection of debts, and the enforcement of contracts hereafter to be made; and also, that the election for Delegate and for the Members of the Legislative Council, may be held at different times. Read and referred to the committee on the Judiciary.

Mr. Irwin, from the committee on the Judiciary, reported "a bill to provide for the election of Delegate to the Congress of the United States;" which was read twice and laid on the table.

Mr. Lawrence moved that the question on the passage of the "bill to abolish the Board of County Commissioners within the several counties of this Territory," be reconsidered. The motion was decided in the affirmative; and the bill being again before the Council,

Mr. Lawrence moved that the 2d section thereof be stricken out, and that the following be inserted in lieu thereof, viz:

"SECT. 2. That this act shall take effect and be in force immediately after its passage, so far as relates to the power of County Commissioners to levy and collect taxes for the year 1827, and also to repeal any power of the Sheriff or any other assessor or assessors, to assess or take a list of taxable property in the several counties of this Territory; and the residue of the act shall take effect and be in force from and after the last Monday in May next."

The motion to amend was decided in the affirmative ; and the bill, as amended, on motion, was then passed.

Mr. Stockton, from the committee on the Judiciary, to whom the subject was referred, made the following report :

REPORT.

The committee on the Judiciary, to whom was referred the petition of Samuel Phelps, praying that a new trial may be granted him in certain cases, have had the subject under consideration, and report—

That the committee are divided in opinion as to the granting of the prayer of the petitioner, and ask to be discharged from the further consideration of the subject. The committee recommend that the same be referred to a special committee.

On motion, the report was accepted ; and,

Messrs. Dole, Bunce, and Stockton, were appointed the select committee recommended in said report.

Mr. Burt, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz :

An act concerning Town Plats.

An act concerning habitual drunkards, and to protect their estates.

An act defining the mode of laying out and establishing Territorial Roads.

An act to incorporate the Village of Monroe.

And the President signed the same.

Mr. Dole, from the select committee to whom was referred the petition of Noah Webster, Nathaniel Thompson and others, praying that the east half of the fifth Township in the 13th range, may be attached to the county of Macomb, made a report in favor of the prayer of the petitioners.

Mr. Stockton moved that the petition and report, together with certain petitions upon the same subject, presented during the sessions of the First Council, be referred to said select committee ; and the motion was agreed to.

Mr. Lawrence presented the claim of Joseph Dazett and Alexis Loranger, for assessing and collecting taxes in the District of Erie, in the year 1809. Referred, on motion, to a select committee, composed of Messrs. Lawrence and Dole.

Mr. Dole, from the select committee to whom was recommitteed "a bill for the prevention of immoral practices," reported the same without amendment ; and said bill was laid on the table.

Mr. McDonell asked leave to bring in a "bill for the relief of the Poor." On motion, leave was given, and Messrs. McDonell, Lawrence, and Burt, were appointed a committee to prepare said bill.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill to amend an act entitled 'an act to divide the several counties in this Territory into Townships, and for other purposes ;'"

which was read twice, and on motion, said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Lawrence, from the committee on the Judiciary, also reported "a bill to provide for the assessment and collection of county and township taxes," which was read twice, and, on motion was ordered to be engrossed and read a third time to-morrow.

The "bill to amend an act entitled 'an act concerning costs and fees,'" was taken up; the question being on the passage of said bill,

Mr. Irwin moved that the bill be amended by striking out the 10th, 11th, and 12th lines of the 1st section, and inserting the following, in lieu thereof, viz: "attending on the Supreme Court, payable out of the Territorial treasury, per diem, \$2.00; attending on the Circuit or County Courts, payable out of the County treasuries, per diem, \$1.50." And the motion was decided in the affirmative.

Mr. Irwin then moved that the bill be further amended by striking out the 2d section thereof; and the motion was agreed to.

On motion of Mr. Lawrence, the 13th, 14th, and 15th lines of the 1st section were stricken out.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill to amend an act entitled 'an act to organise the Militia,'" was taken up; the question being on the motion of Mr. Lawrence to strike out the first section thereof. The motion was decided in the negative; and Mr. Lawrence having required the ayes and nays on the question, they were taken as follows:

Ayes—messrs. Durocher, Dole, Moseley, Lacroix, Lawrence—5.

Nays—messrs. Burt, Bunce, Connor, Edwards, Forsyth, Irwin, Stockton—7.

On motion of Mr. Stockton, the bill was then amended, by adding to the first section the following proviso:

"*Provided also*, That all delinquents under this section shall be summoned and brought to trial, as is provided in the 32d and 35th sections of the act to which this is an amendment."

On motion of Mr. Stockton, the bill was further amended by adding the following as the last section of said bill:

"SECT. 8. That all acts and parts of acts, containing the provisions of this act, be, and the same are hereby repealed."

On motion of Mr. Forsyth, the bill was further amended by inserting the words, "and for defraying the expenses of the Courts martial," after the word "battalions," in the sixth line of the 6th section.

On motion of Mr. Irwin, the bill was further amended by adding thereto the following, to stand as the 7th section, viz:

"SECT. 7. That the commanding officers of companies shall annually give public notice of the place of rendezvous of their respective companies, for the purposes of this act, by posting up notices at five of the most public places, within the respective company beats."

On motion of Mr. Lawrence, the bill was further amended by adding, at the close of the 7th section, the following proviso, viz:

“Provided, That no person shall be fined, who was necessarily absent from his place of residence, the three days next preceding any day of training.”

The question “shall the bill pass?” was then put, and was decided in the affirmative.

On motion of Mr. Forsyth, the Council then took a recess of one hour.

2 o'clock, P. M.

The “bill to provide for taking a census of the inhabitants of this Territory,” was taken up and read the third time.

On motion of Mr. Irwin, a section was added to the bill, to stand as the 8th section thereof; and the bill was then laid on the table.

The “bill to provide for licensing billiard tables,” was taken up.

Mr. Irwin moved that the bill be amended by striking out the words, “Macomb, Lenawee, and Washtenaw,” in the 2d and 3d lines of the 2d section. The motion was agreed to; and Mr. Lawrence having required the ayes and nays upon the question, they were taken as follows:

Ayes—Messrs. Bunce, Connor, Dole, Forsyth, Irwin, Moseley, Stockton—7.

Nays—Messrs. Burt, Durocher, Edwards, Lacroix, Lawrence, McDonell—6.

The question on the passage of the bill was then put, and was decided in the affirmative. Mr. Burt having required the ayes and nays, they were taken as follows:

Ayes—Messrs. Bunce, Connor, Dole, Edwards, Forsyth, Irwin, McDonell, Moseley, Stockton—9.

Nays—Messrs. Burt, Durocher, Lawrence, Lacroix—4.

Mr. Moseley moved to reconsider the question taken on the passage of the “bill to amend an act entitled an act to organise the Militia.” The motion was agreed to; and the bill being again before the Council,

Mr. Moseley moved that the question on agreeing to the proviso which had been added to the 7th section, be reconsidered; and the motion was agreed to.

On motion of Mr. Lawrence, the said proviso was then amended, by adding at the close thereof the following words: “to be ascertained by the oath of the party.”

The question on receiving the proviso as an amendment was then put, and was decided in the negative.

The question “shall the bill pass?” was then put, and was decided in the affirmative.

The “bill to regulate blacks and mulattoes, and to punish the kidnapping of such persons,” was taken up, considered in committee of the whole, and ordered to be read a third time to-morrow.

The “bill for the prevention of immoral practices,” was taken

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up in committee of the whole, and having been considered, it was, on motion, ordered to be engrossed and read the third time tomorrow.

Mr. Forsyth moved that the communication from the Treasurer of the Territory, made on the 2d inst. and the claim of John Whipple, laid on the table on the 23d ultimo, be referred to the committee on claims; and the motion was agreed to.

Mr. Dole from the select committee to whom was referred the petition of Samuel Phelps, reported "a bill for the relief of Samuel Phelps," which was read twice and recommitteed to said committee.

On motion of Mr. Lawrence, the Council then adjourned.

SATURDAY, April 7, 1827.

Prayer by the Rev. Mr. Richard:

The President announced that he had presented to the Governor of the Territory for his signature the following entitled acts, viz:

An act to incorporate the Village of Monroe.

An act defining the mode of laying out and establishing Territorial Roads.

An act concerning Town plats.

An act concerning habitual drunkards, and to protect their estates.

An act to prevent gaming.

An act to divide the several counties of this Territory into Townships, and for other purposes.

The President presented the account of Chipman & Seymour for printing, and of John Bronson for the use of a committee room. Referred to the committee on Claims.

Mr. Irwin, from the select committee to whom the subject was referred, by a resolution of the Council, adopted on the 2d inst. reported the following resolutions:

REPORT.

Resolved, by the Legislative Council of the Territory of Michigan, That the President of the United States be and he is hereby respectfully requested to cause to be re-occupied by a military force the post of Prairie du Chien.

Information has reached this Council, that the inhabitants of that remote district, are seriously alarmed at their exposed and defenceless situation; and there is just cause to apprehend that they will abandon the settlement and seek elsewhere the security it would be in vain to expect in that quarter, without the maintenance of a competent force.

Prairie du Chien is a frontier upon the Mississippi near the mouth of the Ouisconsin, which has been occupied by a garrison from the earliest settlement of the country. It commands the most important avenue of communication between the Mississippi and

the Lakes, and it is a weak and insulated point, surrounded by the Menomnies, Winebagoes, Sacs, Foxes and Sioux ; a year has but just elapsed since a whole family was murdered by the Indians in its immediate vicinity ; and these scenes will be renewed and extended till none remain in the country.

The military post at the St. Peters is three hundred miles above the Prairie, and the small garrison of the latter has been withdrawn to reinforce the former, which was before fully adequate to any object to be attained by its establishment. It would have been much more conducive to the public interest, and would have afforded more efficient protection to that frontier to remove the garrison of St. Peters to Prairie du Chien, than to make the change that has been effected. The abandonment of the position at the Council Bluffs, and the erection of a fort near to our settlements, are practical acknowledgments of the error of occupying remote positions in the heart of the Indian country. They answer no valuable purpose ; the Indians remain in the country between them and the settlements, beyond the reach of the troops, and keeping the frontier in a state of alarm and danger. Formerly our military garrisons advanced with the advancing settlements, occupying positions between them and the Indians, prepared to repel the latter, and to be supported by the former. This sound military policy, founded in good sense, and supported by experience, was pursued in the whole Ohio country, and its advantages were apparent in the security it afforded. At St. Peters, there is nobody to protect ; at Prairie du Chien there is a flourishing settlement ; both are equally exposed, and the latter is three hundred miles nearer our permanent settlements than the former, and yet it is four hundred miles from any of these ; a distance of itself too great to justify its position as a military post, were there not other considerations connected with it. Believing that the first object of the American army is protection, where protection is required, and can be afforded, and that any views peculiarly military, which would lead to a concentration of our small force, should yield to this paramount consideration ; this Council indulge the hope, that the portion of the Territory which has been left defenceless by this movement may be again secured, and that the lives and property of the citizens residing there may be protected from the imminent danger to which they are exposed.

In this appeal to the President, the Legislative Council have expressed their own unanimous sentiment, together with the opinion of those who are best acquainted with the country interested in the application, and the anxious wishes of all whose families and property are connected with it.

Resolved, That the Governor of the Territory be requested to transmit this resolution to the President of the United States.

On motion, the foregoing report was accepted.

A Message on Executive business was received by the hands of Mr. Brush.

Mr. Stockton, from the special committee to whom was recommended "a bill for the relief of Samuel Phelps," reported the same with an amendment; the amendment was accepted, and the bill was laid on the table.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill concerning Grand and Petit Jurors," which was read twice and recommitted.

Mr. Burt, from the committee of Enrolment, reported, as correctly enrolled, bills with the following titles, viz:

An act to abolish the Board of County Commissioners within the several counties of this Territory.

An act to regulate the admission and practice of Attorneys and Counsellors at Law.

An act concerning Auctioneers.

An act concerning Mortgages.

An act for providing and regulating prisons.

And the President signed the same.

The "bill to amend an act, entitled 'an act to divide the several counties in this Territory into Townships, and for other purposes,'" was taken up, read the third time, and passed.

The "bill concerning judgments and executions," was taken up and read a third time.

On motion of Mr. McDonell, the 31st section of said bill was stricken out.

On motion of Mr. Lawrence, the bill was further amended by striking out the 22d section.

On motion of Mr. Meseley, the bill was further amended, by striking out the words, "two beds and bedding," in the 26th section, and inserting in lieu thereof, the words, "one bed and bedding to every two persons in the family."

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill to provide for the election of Delegate to the Congress of the United States," was taken up in committee of the whole.

Mr. McDonell moved to strike out all after the enacting clause, and to substitute sundry sections in lieu thereof. The motion was decided in the negative; and Mr. McDonell having required the ayes and nays upon the question, they were taken as follows:

Ayes—Messrs. Connor, Durocher, Lawrence, Lacroix, McDonell—5.

Nays—Messrs. Burt, Bunce, Dole, Edwards, Forsyth, Irwin, Moseley, Stockton—8.

On motion of Mr. Irwin, the words, "first Monday in July," in the 3d line of the 1st section was stricken out.

Mr. Lawrence then moved that the words, "first Thursday in September," be inserted in the said 3d line. The motion was decided in the negative. Mr. Lawrence requiring the ayes and nays, they were taken as follows:

Ayes—Messrs. Durocher, Lawrence—2.

Nays—Messrs. Burt, Bunce, Connor, Dole, Edwards, Forsyth, Irwin, Lacroix, Moseley, McDonell, Stockton—11.

Mr. McDonell moved that the words, "third Monday in June," be inserted in the said 3d line. The motion was decided in the negative; and the ayes and nays being required by Mr. McDonell, they were taken as follows:

Ayes—Messrs. Durocher, Edwards, Lacroix, Lawrence, McDonell—5.

Nays—Messrs. Burt, Bunce, Connor, Dole, Forsyth, Irwin, Moseley, Stockton—8.

Mr. Forsyth moved that the blank in the said 3d line be filled with the words, "second Monday in July," and the motion was agreed to. The yeas and nays being required, they were taken as follows:

Ayes—Messrs. Burt, Bunce, Connor, Dole, Forsyth, Irwin, Moseley, Stockton—8.

Nays—Messrs. Durocher, Edwards, Lacroix, Lawrence, McDonell—5.

On motion of Mr. Durocher, the Council took a recess of one hour.

2 o'clock, P. M.

The "bill to provide for the election of Delegate to the Congress of the United States," was again taken up in committee of the whole.

On motion of Mr. Lawrence, the bill was amended by striking out the word "polled," in the 16th line of the 6th section, and inserting in lieu thereof the word "voted."

On motion of Mr. Irwin, the 11th section of said bill was amended by striking out the words, "it shall be lawful," in the 3d line and the whole of the 4th, 5th and 6th lines thereof.

On motion of Mr. Irwin, the word "October," was stricken out of the 24th line of the 9th section, and the word "September," was inserted in lieu thereof.

On motion of Mr. Irwin, the word "November," was stricken out of the 4th line of the 10th section, and the word "October," was inserted in lieu thereof.

Mr. McDonell submitted the following resolution:

Resolved, That the election of Delegate to Congress and Members of the Legislative Council, Coroners and County Treasurers, shall be held on the same day; and that the bill now before the Council, for the election of Delegate to Congress, be recommitted, and altered to accord with these views.

Mr. Stockton moved that the resolution be adopted. The motion was agreed to. Mr. Irwin called for the ayes and nays, and they were taken as follows:

Ayes—Messrs. Bunce, Connor, Durocher, Edwards, Lacroix, Lawrence, McDonell—7.

Nays—Messrs. Burt, Dole, Forsyth, Irwin, Moseley, Stockton—6.

Mr. Bunce moved, that the question on the adoption of the resolution be reconsidered. The motion was agreed to; and the resolution being again before the Council,

Mr. Stockton again moved that the resolution be adopted, and the motion was decided in the negative. The ayes and nays being required, they were taken as follows:

Ayes—Messrs. Connor, Durocher, Edwards, Lacroix, Lawrence, McDonell—6.

Nays—Messrs. Burt, Bunce, Dole, Forsyth, Irwin, Moseley, Stockton—7.

The bill was then, on motion, ordered to be engrossed and read a third time on Monday next.

On motion of Mr. Dole, the Council then went into the consideration of Executive business; and having disposed of the same,

Mr. Bunce gave notice that he should, at a future time, ask leave to bring in "a bill to attach the county of Sanilac to the county of St. Clair."

The "bill to provide for taking a census within the Territory of Michigan," was taken up and passed.

Mr. Moseley, from the committee on the Judiciary, reported "a bill to provide for the election of Members of the Legislative Council," which was read twice and recommitted.

The "bill to regulate blacks and mulattoes, and to punish the kidnapping of such persons," was taken up and read the third time.

Mr. McDonell moved to strike out all that part of the bill which requires blacks and mulattoes to pay fees to the Clerks of the County Courts.

Mr. Stockton then moved, that the further consideration of the bill be postponed until the first day of July next. The motion was decided in the negative; and Mr. Stockton having required the ayes and nays, they were taken as follows:

Ayes—Messrs. Dole, Forsyth, Stockton—3.

Nays—Messrs. Burt, Bunce, Connor, Durocher, Edwards, Irwin, Lawrence, Lacroix, McDonell, Moseley—10.

On motion, the bill was then laid on the table.

The "bill to regulate and define the duties and powers of Justices of the Peace and Constables in civil cases," was taken up and read the third time.

On motion of Mr. Irwin, sundry amendments which had been made to the 9th section of the bill were stricken out; and the bill was then recommitted to the committee on the Judiciary.

Mr. Moseley, from the committee on the Judiciary, reported "a bill relative to the Attorney General," which was read twice and laid on the table.

Mr. Bunce asked leave to bring in "a bill to annex a certain tract of country therein named, to the county of St. Clair." On

motion, leave was given, and Messrs. Bunce and Stockton were appointed a committee to prepare said bill.

Mr. Bunce, from the committee to prepare "a bill to annex a certain tract of country therein named to the county of St. Clair," reported the same, which was read twice, and laid on the table.

Mr. McDonell presented the petition of Abraham Noyce, praying for reasons stated therein, that a law may be passed vesting him to the rights and privileges of a citizen.

Mr. McDonell moved that said petition be referred to a select committee of two.

Messrs. McDonell and Lacroix were appointed said committee.

On motion of Mr. Dole, the Council then adjourned.

MONDAY, April 9, 1827.

Prayer by the Rev. Mr. Wells.

Mr. Forsyth presented the claim of P. Lecuyer, for translating, and of S. Wagstaff, for sundry articles for the Council. Referred to the committee on Claims.

Mr. McDonell, from the select committee to whom was referred the petition of Abraham Noyce, had leave to report "a bill for the relief of Abraham Noyce;" and thereupon reported the same, which was read twice and laid on the table.

On motion of Mr. Lawrence, the "bill concerning the Supreme, Circuit and County Courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein in certain cases," was recommitted to the committee on the Judiciary. Mr. Lawrence subsequently reported said bill with an amendment, which was agreed to, and the bill was then laid on the table.

Mr. Bunce presented the petition of sundry inhabitants of the county of St. Clair, relative to the division of said county into Townships. Referred to the committee on Territorial Affairs.

Mr. Lawrence, from the select committee to whom was referred the petition of Joseph Dazet and Alexis Loranger, had leave to report "a bill for the relief of Joseph Dazet and Alexis Loranger," and thereupon reported the same, which was read the first time and laid on the table.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill to repeal the acts and parts of acts therein mentioned," &c. which was read twice and recommitted.

Mr. Burt, from the committee of Enrolment, reported, as correctly enrolled, bills with the following titles, viz:

An act allowing and regulating writs of replevin.

An act concerning Strays.

An act to restrain hawkers, pedlers and petty chapmen, from selling without license.

An act to amend an act entitled 'an act concerning costs and fees.'

An act to provide for licensing billiard tables.

An act to amend an act entitled 'an act to organise the militia.'

An act concerning judgments and executions.

And the President signed the same.

Mr. Irwin submitted the following resolution :

Resolved, That whereas the date of the approval of the act entitled "an act to incorporate the Stockholders of the Detroit Steam mill Company," has been, by the consent of this Council, altered by the Executive, to make its provisions correspond with the act entitled "an act to incorporate the Stockholders of the merchants' and mechanics' Bank of Michigan ;" and whereas it is doubtful whether the course adopted by the Council and the Executive, will have the desired effect—that the Chairman of the committee of Enrolment be instructed, with the approbation of the Governor, to restore the original date ; and that the committee on the Judiciary be instructed to incorporate the Stockholders of the Detroit Steam mill Company.

On motion of Mr. Irwin, the foregoing resolution was adopted.

Mr. McDonell laid on the table the following resolution :

Resolved, That the report of the committee on the Judiciary, on the petition of Jer. V. R. Ten Eyck be accepted, and that the Executive of this Territory be requested to interpose his good offices in behalf of the petitioner, in respect to the relief in said petition asked for ; by obtaining for the petitioner the sum of one hundred dollars and costs, to be refunded to him ; the same being a fine imposed on the petitioner at the last September Term of the Supreme Court of said Territory, for a contempt of Court ; and that the President of the Council be, and he is hereby required to transmit a copy of the said report, together with this resolution, to his Excellency the Governor.

Mr. Dole, from the select committee to whom was recommitted the report made on the petition of Noah Webster, Nathaniel Thompson, and others, reported said report without amendment ; and said report was then laid on the table.

Mr. Irwin, from the committee on the Judiciary, to whom was re-committed "a bill to regulate and define the duties and powers of Justices of the Peace and Constables in civil cases," reported the same with amendments, which were accepted.

On motion of Mr. Forsyth, the last section of said bill was stricken out ; and Mr. Lawrence moved a substitute therefor, which was accepted.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

On motion of Mr. McDonell, the report submitted on the 30th ultimo, favorable to the claim of Bethuel Farrand, was taken up, accepted, and again laid on the table.

The "bill to provide for the collection of county and township taxes," was taken up and read the third time.

On motion of Mr. Lawrence, the bill was amended by adding thereto an additional section, as the 19th section thereof.

The President announced that he had presented to the Governor of the Territory for his signature the following entitled acts, viz :

An act allowing and regulating writs of replevin.

An act concerning Strays.

An act to restrain hawkers, pedlers and petty chapmen, from selling without license.

An act to amend an act entitled 'an act concerning costs and fees.'

An act to provide for licensing billiard tables.

An act to amend an act entitled 'an act to organise the militia.'

An act concerning judgments and executions.

On motion of Mr. Forsyth, the Council then took a recess of two hours.

3 o'clock, P. M.

Mr. Moseley, from the committee on the Judiciary, reported "a bill to incorporate the Stockholders of the Detroit Steam Mill Company," which was read twice, and ordered to be engrossed and read a third time to-morrow.

The "bill to provide for the collection of county and township taxes," was taken up and passed.

The "bill concerning the Supreme, Circuit and County Courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein in certain cases," was taken up and passed.

Mr. Lawrence, from the committee on the Judiciary, reported, with amendments, "a bill concerning Grand and Petit Jurors," which were severally accepted, and the bill was then considered in committee of the whole.

On motion of Mr. Moseley, the bill was amended by adding, at the close of the first section thereof, the following, viz :—"If so many persons, competent to serve as grand and petit jurors, reside in such county, and if such number as aforesaid cannot be found, then, and in that case, such number as can be found competent to serve as grand and petit jurors."

On motion of Mr. Lawrence, the bill was further amended, by adding at the close of the second section thereof, the following, viz : "*Provided*, That in all cases where it may be necessary, in the opinion of a Judge of the Circuit Court, or a majority of the Justices of the Court, for a grand or petit jury, or both, to attend any adjourned or special session of any Circuit or County Court, they shall be summoned, and deficiencies supplied, in the same manner as is by this act provided for summoning grand or petit jurors, to attend stated sessions of said courts: *Provided also*, That in case of adjourned or special sessions, three days notice to such persons shall be sufficient."

The bill was then, on motion, ordered to be engrossed and read a third time to-morrow.

A Message on Executive business was received by the hands of Mr. Trowbridge.

Mr. McDonell gave notice that he should to-morrow ask leave to bring in "a bill to amend an act entitled 'an act for defraying the public and necessary charges in the respective counties in this Territory, and for other purposes.'"

The President announced that on Saturday he presented to the Governor of the Territory, for his signature :

An act to abolish the Board of County Commissioners within the several counties of this Territory.

An act to regulate the admission and practice of Attorneys and Counsellors at Law.

An act concerning Auctioneers.

An act concerning Mortgages.

An act for providing and regulating prisons.

The "bill to provide for the election of Delegate to the Congress of the United States," was taken up and read the third time.

Mr. Irwin moved that the bill be amended by adding thereto a section, to stand as the 17th section thereof; and the motion was agreed to.

The question "shall the bill pass?" was then put, and was decided in the affirmative.

The "bill to annex a certain tract of country therein named, to the county of St. Clair," was considered in committee of the whole, and ordered to be engrossed and read a third time to-morrow.

Mr. Bunce gave notice that he should to-morrow ask leave to bring in "a bill to amend an act entitled 'an act to regulate the assessment and collection of Territorial taxes.'"

The "Resolutions respecting the printing the laws relative to Townships, and the laws relative to Elections," were taken up, read the third time, and passed.

Mr. Lawrence moved that the Council reconsider the motion to order the "bill concerning Grand and Petit Jurors," to be engrossed for a third reading to-morrow. The motion was agreed to; and on motion, said bill was then taken up, read the third time, and passed.

The "bill relating to the Society of Friends, usually called Quakers," was taken up, considered in committee of the whole, read the third time, and passed.

The "bill to regulate blacks and mulattoes, and to punish the kidnapping of such persons," was taken up, and passed.

Mr. McDonell called for the ayes and nays on the passage of said bill, and they were taken as follows :

Ayes—Messrs. Burt, Bunce, Durocher, Edwards, Lacroix, Lawrence, McDonell—7.

Nays—Messrs. Forsyth, Moseley—2.

The "bill for the prevention of immoral practices," was taken up, read the third time, and passed.

The report made on this day, from the select committee to whom was referred the petition of Noah Webster and others, was taken up, and,

On motion of Mr. Lawrence, the further consideration of said report was postponed until the first day of July next.

Mr. Burt called for the ayes and nays, on the question to postpone, and they were taken as follows:

Ayes—Messrs. McDonell, Lacroix, Lawrence, Durocher, Bunce, Forsyth, Edwards, Moseley—8.

Nays—Messrs. Burt, Dole—2.

The President presented a communication from John Biddle, Mayor of the City of Detroit, in behalf of the Common Council thereof, relative to certain alterations in the act incorporating said City. The communication was read, and,

Mr. Forsyth moved that it be referred to a select committee of two. The motion was agreed to, and,

Messrs. Forsyth and Moseley were appointed said committee.

The "bill relative to the Attorney General," was taken up in committee of the whole.

Mr. Dole moved that the blank in said bill be filled by the words "two hundred and fifty," and the motion was decided in the affirmative. On motion, said bill was then ordered to be engrossed and read a third time to-morrow.

The "bill for the relief of Samuel Phelps," was taken up, considered in committee of the whole, and ordered to be engrossed and read a third time to-morrow.

Mr. Lawrence required the ayes and nays on the motion to engross the bill for a third reading to-morrow, and they were taken as follows:

Ayes—Messrs. McDonell, Lacroix, Burt, Dole, Moseley, Forsyth—6.

Nays—Messrs. Lawrence, Durocher, Edwards—3.

On motion, the resolution submitted this day by Mr. McDonell, relative to the report of the committee on the Judiciary, on the petition of Jer. V. R. Ten Eyck, was taken up.

Mr. Lacroix moved that the Council adopt said Resolution. The motion was decided in the negative; and Mr. McDonell requiring the ayes and nays, they were taken as follows:

Ayes—Messrs. McDonell, Lacroix, Bunce, Edwards—4.

Nays—Messrs. Burt, Lawrence, Durocher, Moseley, Forsyth—5.

On motion of Mr. Forsyth, the Council then adjourned.

TUESDAY, April 10, 1827.

Prayer by the Rev. Mr. Wells.

The President presented the account of Lewis Davenport, and that of Thomas Knowlton, for work done upon the Council House, and the out-houses belonging thereto. Referred to the committee on Claims.

Mr. Irwin, from the select committee to whom the subject was referred, by a Resolution of the Council, adopted Dec. 29, 1826, reported the following memorial:

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled :

The Memorial of the Legislative Council of the Territory of Michigan, respectfully sheweth—

That by the act of Congress, passed January 30th, 1823, "for the appointment of an additional Judge for the Michigan Territory," jurisdiction was given to the Court thereby established, "in and over all actions arising under the acts and laws in force, or which may be enacted, for the regulating trade and intercourse with the Indians, and over all crimes and offences which shall be committed within that part of the Indian country, lying north and west of Lake Michigan;" and that numerous violations of said acts, have from time to time been committed within the jurisdiction aforesaid :

And it is further represented, that no Attorney is appointed within the jurisdiction established by that act, to prosecute such offences, and to appear for and on behalf of the United States in said Court; and also, that the Attorney already in appointment for the said Territory, not residing within the said jurisdiction, is not required by the said act to attend to prosecutions therein, nor if he were so required, would the distance and difficulties of communication leave it in his power to attend the Terms of the said Court; For the want, therefore, of competent authority to prosecute, offenders go unpunished, and the object of the laws is in a measure defeated :

It is therefore prayed, of your honorable body, so to alter and amend the said act, as to provide for the appointment of an Attorney of the United States, who shall reside within the said jurisdiction, with the privileges and immunities usually granted to like officers of the United States.

Resolved, That the President of this Council be requested to transmit copies of the foregoing Memorial to the President of the Senate and Speaker of the House of Representatives of the United States.

On motion of Mr. Moseley, the Memorial and Resolution were adopted.

Mr. Lawrence presented the account of Benjamin Woodworth, for the use of committee rooms, fuel and candles. Referred to the committee on Claims.

Mr. McDonell, on motion, had leave to bring in "a bill to amend an act entitled 'an act for defraying the public and necessary charges in the respective counties in this Territory, and for other purposes,'" and Messrs. McDonell and Dole were appointed a committee to prepare said bill.

Mr. Forsyth, from the select committee to whom was referred the communication of the Mayor of the City of Detroit, presented yesterday, reported "a bill to amend 'an act relative to the City of Detroit.'" Said bill was read twice, and considered in committee of the whole.

Mr. McDonell moved to amend the bill by striking out all after the enacting clause, and substituting a section in lieu thereof. The

motion was decided in the negative ; and Mr. Forsyth having called for the ayes and nays, they were taken as follows :

Ayes—Messrs. McDonell, Lacroix, Lawrence, Durocher, Connor—5.

Nays—Messrs. Burt, Stockton, Moseley, Bunce, Irwin, Forsyth, Edwards—7.

The bill was then laid on the table.

Mr. Stockton, from the committee on the Judiciary, reported the following resolution :

Resolved, by the Legislative Council of the Territory of Michigan, That the Governor of this Territory be, and he is hereby authorised to appoint some suitable person to make a general index and glossary to the revised laws of said Territory, and to allow such compensation therefor as he may think reasonable and just, to be paid out of the contingent fund.

Mr. Dole, from the committee on Territorial Affairs, reported “ a bill for the inspection of lumber,” which was read twice and re-committed.

Mr. Connor presented the account of Wm. B. Hunt, for stationery, &c. Referred to the committee on Claims.

On motion of Mr. Forsyth,

Resolved, That the Governor of this Territory be, and he is hereby requested, to apply to the President of the United States for a remission of the fine of one hundred dollars, imposed by the Supreme Court in September last, upon J. V. R. Ten Eyck.

Mr. McDonell, from the select committee to prepare “ a bill to amend an act entitled ‘ an act for defraying the public and necessary charges in the respective counties in this Territory, and for other purposes,” reported said bill, which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. Lawrence, from the committee on the Judiciary, reported “ a bill to amend an act entitled ‘ an act for the punishment of crimes,” which was read twice, and ordered to be engrossed and read a third time to-morrow.

On motion, the Report made by the select committee on the 23d ultimo, relative to certain incorporated Toll Bridge Companies, &c. was taken up, and Mr. McDonell moved that the Council do now adopt said report.

Mr. Forsyth moved that the consideration of said report be postponed until the next session of the Legislative Council. The motion was agreed to ; and Mr. McDonell requiring the ayes and nays, they were taken as follows :

Ayes—Messrs. Lacroix, Lawrence, Durocher, Burt, Stockton, Moseley, Dole, Bunce, Irwin, Forsyth, Edwards—11.

Nays—Messrs. McDonell, Connor—2.

The “ bill to provide for the inspection of Provisions, Fish, and Whiskey,” was taken up in committee of the whole.

Mr. Connor moved that the bill be amended, by striking out the

word "fifty," in the 10th line of the 8th section; and that the word "thirty" be substituted. The motion was agreed to.

Mr. Lawrence moved that the bill be further amended by inserting, after the words "pork and flour," in the 1st line of the 2d section, the words, "which shall be brought from any place out of the Territory." The motion was decided in the negative; and Mr. Lawrence having required the ayes and nays, they were taken as follows:

Ayes—Messrs. McDonell, Lacroix, Lawrence, Burt, Connor—5.

Nays—Messrs. Stockton, Moseley, Dole, Bunce, Irwin, Forsyth, Edwards—7.

On motion of Mr. Lawrence, the bill was amended by striking out of the 2d line of the 1st section, the words, "one inspector in the district composed of the counties of Monroe and Lenawee."

On motion of Mr. Irwin, the bill was further amended by striking out the word "playing," in the 9th, 12th, and 17th lines of the 19th section, and inserting the word "plugging," in lieu thereof.

On motion of Mr. McDonell, the bill was further amended by striking out the words, "and one," in the 3d line of the 1st section, and inserting in lieu thereof the words, "not exceeding three."

On motion of Mr. Irwin, the bill was recommitted to the committee on Territorial Affairs.

On motion of Mr. Forsyth, the Council took a recess of one hour.

3 o'clock, P. M.

The "bill to incorporate the Stockholders of the Detroit Steam Mill Company," was taken up, read the third time and passed.

The "bill for the relief of Samuel Phelps," was taken up, read the third time and passed. Mr. Lawrence called for the ayes and nays, and they were taken as follows:

Ayes—Messrs. McDonell, Lacroix, Burt, Stockton, Moseley, Dole, Bunce, Connor—8.

Nays—Messrs. Lawrence, Durocher, Forsyth, Edwards—4.

The "bill to annex a certain tract of country therein named to the county of St. Clair," was taken up, read the third time, and passed.

The "bill relative to the Attorney General," was taken up, read the third time, and passed.

Mr. Bunce asked leave to bring in "a bill making a certain appropriation." On motion, leave was given, and Messrs. Bunce and Stockton were appointed a committee to prepare said bill.

The "bill for the relief of Abraham Noyce," was taken up, read the third time, and passed.

The resolution relative to an index and glossary for the volume of laws to be printed, was taken up, and ordered to be engrossed for a third reading to-morrow.

Mr. Moseley, from the committee on the Judiciary, to whom had been recommitted "a bill relative to the election of Members of the

Legislative Council," reported the same with amendments, which were agreed to. The bill was then considered in committee of the whole.

t. Lacroix moved that the bill be amended by striking out the words, "first Monday in October," and inserting in lieu thereof the words, "second Monday in July," in the 5th line of the 1st section. The motion was decided in the negative.

Mr. Forsyth called for the ayes and nays on the motion of Mr. Lacroix, and they were taken as follows:

Ayes—Messrs. McDonell, Lacroix, Durocher, Connor, Edwards—5.

Nays—Messrs. Lawrence, Burt, Stockton, Moseley, Dole, Bunce, Irwin, Forsyth—8.

The bill was then laid on the table.

Mr. Bunce, from the select committee to prepare "a bill making certain appropriations," reported the same, which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. Forsyth, from the select committee to whom was recommit-
ted "a bill to amend an act entitled 'an act relative to the city of Detroit,'" reported the same with amendments. The amendments were agreed to; and, on motion, the bill was then recommit-
ted.

On motion of Mr. Forsyth, the "bill relative to the election of Members of the Legislative Council," was ordered to be engrossed and read a third time to-morrow.

The "bill to regulate the fees of Judges of Probate," was taken up in committee of the whole.

On motion of Mr. Irwin, the bill was amended by striking out the 27th and 28th lines thereof. On motion, the bill was then ordered to be engrossed and read a third time to-morrow.

The "bill to provide for laying out a certain road therein named," was taken up.

Mr. Forsyth moved that the name of "Abraham Wendell," be inserted in the blank in the second line of the first section; and the motion was agreed to.

Mr. Dole moved that the name of "David Stanard," be inserted in said blank; and the motion was agreed to.

On motion of Mr. Burt, the remaining part of said blank was filled by inserting the name of "James Connor."

The bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Moseley moved that the question on the passage of the "Resolutions relative to the printing of certain laws therein named," be reconsidered; and the motion was agreed to. Said Resolutions being before the Council,

Mr. Irwin moved that the Council accept of other resolutions in lieu of those before the Council. The motion was agreed to. Said resolutions received two readings, and were ordered to be engrossed and read a third time to-morrow.

Mr. Irwin, from the committee on the Judiciary, to whom had been referred "an act entitled 'an act to regulate the assessment and collection of Territorial taxes,'" reported the same with amendments. The amendments were accepted; and, on motion, the bill was then recommitted to the committee on the Judiciary.

On motion of Mr. Lawrence, the Council then went into the consideration of Executive business; and having disposed thereof, On motion of Mr. Lawrence, the Council adjourned.

WEDNESDAY, April 11, 1827.

Prayer by the Rev. Mr. Wells.

Mr. Dole presented the account of D. C. M'Kinstry, for fuel, for the Legislative Council. Referred to the committee on Claims.

Mr. Stockton, from the select committee to whom the subject was referred by a resolution of the Council, reported the following Memorial:

To the Hon. the Senate and House of Representatives of the United States of America, in Congress assembled:—

The Memorial of the Legislative Council of the Territory of Michigan, respectfully sheweth—

That whereas a proposition is now before your honorable body, having for its object the formation of a Territorial Government over the district of country lying between Lake Michigan on the East, and the Mississippi River on the West, and North of the State of Illinois; your memorialists consider it incumbent on them to express their views in relation to the contemplated measure, feeling fully convinced of its political expediency. A division of the Michigan Territory is closely indicated, by the geographical character of the country; and would promote the convenience of its citizens, and essentially conduce to the furtherance of the purposes of justice. By a reference to the Map, it will be perceived that this Territory at present comprehends within its limits a tract of country in extent from East and West, of about six hundred and fifty miles, in which distance it is divided from North to South, by Lake Michigan and the Straits of Michilimackinac, without a single point of communication by land. At the most favorable season of the year, the intercourse between the Eastern and Western sections is extremely difficult, and in the winter season in a measure impracticable; the inconvenience of which has long been sensibly felt by both sections. To the former, it has resulted from the impossibility of giving to their statutes a character of uniformity; the relative position, and the peculiar circumstances of the Western section rendering a departure in this particular absolutely necessary, in order to secure the due administration of justice. To the latter, it has been found to exist in their remoteness from the Seat of Government, which has induced a proportionable diminution of those advantages, that usually flow from the superintending energies of the Executive autho-

rity, and an almost entire exclusion from any participation in the Legislative department of the Government. Could your memorialists entertain a hope that these difficulties would ultimately be obviated, by the progress of improvement in this region of country, it might be a reason to them to forbear expressing any opinion on the subject; but they are unavoidably led to the conclusion, that the embarrassments will increase with the advancing state of society. They would, therefore, so far as the interests of their constituents are involved in the question, earnestly recommend to Congress to render the interests of the Eastern and Western sections independent of each other, by the organisation of a separate Government West of Lake Michigan. We are the more strongly impelled in offering this suggestion from the very circumstance, that the approximation of Michigan to a State Government, and the dismemberment of the Western section will be simultaneous. We cordially conceive that it would be highly injudicious to unite two districts of country, through which nature has drawn so prominent a line of separation; and we have little doubt but that it will be regarded in the same light by the National Legislature. If the geographical extent of country now included in the Michigan Territory, would seem to demonstrate an ultimate necessity for a division, we would respectfully inquire how far an objection would apply against the event taking place at this time. For ourselves we can conceive of none other than those of a pecuniary nature, and in order to obviate objections of such a character, we should imagine all that is necessary would be correct information of the resources of the country; and, whether they would justify the expense which would be incurred for the support of a Territorial Government. On this point, we are prepared to say that so far as our knowledge extends, there is no section in the Northern latitudes of the United States, superior to it in point of climate, soil, timber and water privileges; and we have no hesitation in hazarding the opinion, that the General Government would be amply remunerated in the sales of Public Lands, for the expenses of administration; and if the country abounds in copper and lead, as is generally supposed, is it not highly becoming the attention of Congress to place it in such a situation, as will be most likely to benefit the Government and individuals? The most effectual way for the accomplishment of this object, it is believed, would be by introducing talent and enterprise into the country.

Resolved, That the President of this Council be instructed to transmit copies of the foregoing Memorial to the President of the Senate, and to the Speaker of the House of Representatives of the United States, at the next meeting of Congress.

The Memorial was read and laid on the table.

Mr. Forsyth, from the committee on Territorial Affairs, reported "a bill to amend an act entitled 'an act relative to the duties and privileges of Townships,' which was read twice, and ordered to be engrossed and read a third time to-morrow.

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Mr. Forsyth, from the committee on Claims, reported "a bill making certain appropriations to be paid out of the contingent fund," which was read twice and recommitted.

Mr. Forsyth, from the committee on Claims, also reported "a bill making certain appropriations to be paid out of the Territorial Treasury," which was read twice and recommitted.

Mr. Lawrence, from the committee on the Judiciary, reported, with amendments, "a bill in addition to the act entitled 'an act to regulate the assessment and collection of Territorial taxes.' The amendments were accepted; and, on motion, the bill was read a third time and passed.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill to repeal certain acts, and to prescribe the times respectively when certain other acts shall be in force and take effect;" which was read twice and recommitted.

Mr. Lawrence, from the committee on the Judiciary, also reported "a bill concerning Executors and Administrators," which was read twice and laid on the table.

Mr. Forsyth, from the select committee to whom was recommit- ted "a bill to amend an act entitled 'an act relative to the city of Detroit,'" reported the same with amendments, which were accept- ed. Said bill was subsequently read the third time and passed.

Mr. Dole, from the committee on Territorial Affairs, reported "a bill relative to the adjournment of the Legislative Council," which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. Dole, from the committee on Territorial Affairs, reported, with amendments, "a bill to provide for the inspection of Provi- sions, Fish, and Whiskey;" and said bill was laid on the table.

Also—without amendment, "a bill for the inspection of lumber," which was laid on the table.

Also—"a bill to provide for the distribution of the Laws of the Territory of Michigan," which was read twice and recommitted.

Mr. McDonell moved that leave be given him to bring in "a bill to amend an act for the regulation of the White Fishery in the Strait of Detroit and the River St. Clair." The motion was decided in the negative; and the ayes and nays being required, they were taken as follows:

Ayes—Messrs. McDonell, Stockton, Irwin, Connor, Edwards—5.

Nays—Messrs. Lacroix, Lawrence, Durocher, Burt, Dole, Bunce, Forsyth—7.

Mr. Forsyth presented the account of James Abbott, for postage. Referred to the committee on Claims.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill to alter the term of the County Court of the County of Oak- land;" which was read twice, and, on motion, was ordered to be engrossed and read a third time to-morrow.

The "bill for the relief of Joseph Dazet and Alexis Lorange" was taken up.

Mr. McDonell moved that the further consideration of said bill be postponed until the next session of the Legislative Council. The motion was agreed to; and the ayes and nays being required, they were taken as follows:

Ayes—Messrs. McDonell, Burt, Stockton, Dole, Irwin, Connor, Forsyth, Edwards—8.

Nays—Messrs. Lacroix, Lawrence, Durocher, Bunce—4.

Mr. Burt, from the committee of Enrolment, reported as correct~~ly~~ enrolled, bills with the following titles, viz:

An act for establishing Courts of Probate.

An act relative to the Attorney General.

An act for the prevention of immoral practices.

An act for the relief and settlement of the Poor.

An act to provide for the election of Delegate to the Congress of the United States.

An act for the relief of Abraham Noyce.

An act to provide for the recording of Town Plats, and for other purposes.

An act to regulate blacks and mulattoes, and to punish the kidnapping of such persons.

An act to amend "an act to divide the several counties in this Territory into Townships, and for other purposes."

An act to regulate and define the duties and powers of Justices of the Peace and Constables, in civil cases.

And the President signed the same.

The "bill making certain appropriations," was taken up, read the third time and passed.

The "bill to provide for the inspection of Provisions, Fish, and Whiskey," was taken up, and the amendments reported thereto were agreed to. The ayes and nays on the question to agree to said amendments were required by Mr. Forsyth, and they were taken as follows:

Ayes—Messrs. Burt, Stockton, Dole, Bunce, Irwin, Connor, Forsyth, Edwards—8.

Nays—Messrs. McDonell, Lacroix, Lawrence, Durocher—4.

Mr. Lawrence then moved to amend the amendment, which the committee had made to the first section thereof, by striking out the words "Monroe and Lenawe." The motion was decided in the negative; and Mr. Lacroix requiring the ayes and nays, they were taken as follows:

Ayes—Messrs. McDonell, Lacroix, Lawrence, Durocher, Bunce—5.

Nays—Messrs. Burt, Stockton, Dole, Irwin, Connor, Forsyth, Edwards—7.

Mr. McDonell then moved to amend the bill, by striking out the word "one," in the second line of the first section, and inserting in lieu thereof the words, "not exceeding three;" and the motion was agreed to. The ayes and nays being required, they were taken as follows:

Ayes—Messrs. McDonell, Lawrence, Lacroix, Durocher, Bunce, Connor, Edwards—7.

Nays—Messrs. Burt, Stockton, Dole, Irwin, Forsyth—5.

Mr. Lawrence moved that the further consideration of said bill be postponed. The question was decided in the negative; and Mr. Dole having required the ayes and nays, they were taken as follows:

Ayes—Messrs. Lacroix, Lawrence—2.

Nays—Messrs. McDonell, Durocher, Burt, Stockton, Dole, Bunce, Irwin, Connor, Forsyth, Edwards—10.

On motion of Mr. Forsyth, the Council took a recess of one hour.

- 2 o'clock, P. M.

The Resolution relative to a glossary and index for the volume of Laws, was taken up, read the third time and passed.

The Memorial reported this day, relative to a new Territory, was taken up, and, on motion, was accepted.

Mr. Connor presented the claim of Th. Knowlton, for services as crier in Supreme Court, for Sept. Term of 1825. Referred to the committee on Claims.

The report of the committee on the Judiciary, on the petition of Jer. V. R. Ten Eyck, was taken up and accepted; and,

Mr. Dole moved that the petitioner have leave to withdraw his petition, and the papers accompanying it. The motion was agreed to; and Mr. McDonell requiring the ayes and nays on the question, they were taken as follows:

Ayes—Messrs. Lacroix, Lawrence, Durocher, Burt, Stockton, Dole, Bunce, Irwin, Connor, Forsyth, Edwards—11.

Nays—Mr. McDonell.

The "bill to provide for the election of Members of the Legislative Council," was taken up and read a third time.

Mr. Irwin moved that the 2d section be amended, so as to read as follows:

"SECT. 2. That the counties of Wayne and Washtenaw shall elect five Members, and shall be denominated the first district; that the counties of Monroe and Lenawé shall elect two Members, and will form the second district; the county of Oakland will elect two Members, and will form the third district; the counties of Macomb and St. Clair will elect two Members, and will form the fourth district; and the counties of Michilimackinac, Brown, Crawford, and Chippewa, will elect two Members, and will compose the fifth district; and those counties which are, and may be laid off, and not organised, shall form part of the district composed of the county or counties, to which such counties not organised are now attached."

The motion was decided in the negative; and the ayes and nays being required, they were taken as follows:

Ayes—Messrs. McDonell, Irwin, Connor, Forsyth, Edwards—5.

Nays—Messrs. Lacroix, Lawrence, Durocher, Burt, Stockton, Dole, Bunce—7.

Mr. Forsyth then moved that the word "four," be stricken out of the 5th line of the 2d section, and that the word "five" be inserted in lieu thereof.

Mr. Dole moved that the further consideration of the bill be postponed until the next session of the Legislative Council. The motion was decided in the affirmative. The ayes and nays being required on the question, they were taken as follows :

Ayes—Messrs. Lacroix, Durocher, Burt, Stockton, Dole, Bunce, Irwin—7.

Nays—Messrs. McDonell, Lawrence, Forsyth, Connor, Edwards—5.

The "bill to amend an act entitled 'an act for defraying the public and necessary charges in the respective counties in this Territory, and for other purposes,'" was taken up, read the third time and passed.

The "bill to provide for laying out a certain Road therein named," was taken up, read the third time and passed.

The "bill regulating the fees of Judges of Probate," was taken up, read the third time and passed.

On motion of Mr. Dole, leave was given to introduce "a bill to amend an act for the regulation of the White Fishery, in the Straits of Detroit and the River St. Clair;" and Mr. Dole reported said bill from the committee on Territorial Affairs, which was read twice and was ordered to be engrossed and read the third time to-morrow.

The "bill to amend an act entitled 'an act for the punishment of crimes,'" was taken up, read the third time and passed.

The "Resolutions to provide for the printing of certain laws therein named," were taken up, read the third time and passed.

The "bill to provide for the inspection of Provisions, Fish, and Whiskey," was taken up in committee of the whole.

Mr. Irwin moved that the bill be amended by striking out all after the enacting clause, and substituting in lieu thereof certain sections. The motion was agreed to ; and the ayes and nays being required, they were taken as follows :

Ayes—Messrs. Lawrence, Durocher, Burt, Stockton, Bunce, Irwin, Dole, Forsyth—8.

Nays—Messrs. McDonell, Lacroix, Connor, Edwards—4.

Mr. McDonell then moved to amend the sections which had been substituted, by striking out the word "one," in the second line of the first section, and inserting in lieu thereof the words, "not exceeding three;" and the motion was agreed to. The ayes and nays being required, they were taken as follows :

Ayes—Messrs. McDonell, Lacroix, Lawrence, Durocher, Bunce, Connor, Edwards—7.

Nays—Messrs. Burt, Stockton, Dole, Irwin, Forsyth—5.

Mr. McDonell then moved that the bill be engrossed and read a third time to-morrow. The motion was agreed to, and the ayes and nays being required, they were taken as follows :

Ayes—Messrs. McDonell, Lawrence, Durocher, Burt, Bunce, Connor, Edwards—7.

Nays—Messrs. Lacroix, Stockton, Dole, Irwin, Forsyth—5.

Mr. Lawrence moved that the Council reconsider the question on the passage of the "bill concerning the Supreme, Circuit, and County Courts of the Territory of Michigan, defining their jurisdiction and powers, and regulating the proceedings and practice therein in certain cases." The motion was decided in the affirmative; and the bill being again before the Council,

Mr. Lawrence moved to amend said bill by adding thereto a section, to stand as the 35th section. The motion was agreed to; and the bill, as amended, was then passed.

On motion of Mr. Stockton, the Council then adjourned, to meet to-morrow, at 9 o'clock A. M.

THURSDAY, April 12, 1827.

Prayer by the Rev. Mr. Wells.

Mr. Bunce submitted the following resolutions:

Resolved, That the President of this Council be, and he is hereby authorised to rent a room for the purpose of storing for safe keeping the desks, books, and other property belonging to this Council, until a room in the Capitol is in readiness to receive them.

Resolved, also, That the Sergeant-at-Arms, under the direction of the President, shall attend to the removal of the property before mentioned, from the Council chamber to the room rented to receive it; and the charges for rent and removal shall be paid out of the contingent fund.

On motion, said resolutions were adopted.

On motion of Mr. Irwin,

Resolved, That the President of this Council be, and he is hereby requested to superintend the arrangement and printing of the several acts and resolves passed during the sessions of this Council, and the other acts authorised by law to be reprinted; including the Declaration of Independence, the Constitution of the United States, and the acts of Congress relating to this Territory.

Mr. Irwin, from the committee on Territorial Affairs, reported "a bill to amend an act entitled 'an act to provide for the establishment of the University of Michigan,'" which was read twice, and taken up in committee of the whole.

Mr. Irwin moved that the blank in the first section of said bill be filled by inserting the names of "Jonathan Kearsley and Noah M. Wells," and the motion was agreed to.

The bill was then, on motion, ordered to be engrossed and read a third time to-day.

Mr. Dole, from the committee on Territorial Affairs, reported with amendments, "a bill to provide for the distribution of the Laws of the Territory, and of the United States." Said bill was then taken up and read the third time.

Mr. Dole moved that the bill be amended by inserting the word, "Surveyor of Michigan," in the 2d section; and the motion was agreed to.

On motion of Mr. Stockton, the blank in the first section of said bill was filled by inserting the words "six hundred." The bill was then laid on the table.

The "bill to alter the term of the County Court of the County of Oakland;" the "bill to amend an act entitled 'an act relative to the duties and privileges of Townships';" the "bill to amend an act entitled 'an act for the regulation of the White Fishery, in the Strait of Detroit and the River St. Clair,'" were severally read the third time and passed.

Mr. Forsyth required the ayes and nays on the question for the passage of the last mentioned bill, and they were taken as follows:

Ayes—Messrs. McDonell, Burt, Stockton, Dole, Irwin, Conner, Edwards—7.

Nays—Messrs. Lacroix, Durocher, Bunce, Forsyth—4.

The "bill concerning Executors and Administrators," was taken up, read the third time and passed.

Mr. Lawrence, from the committee on the Judiciary, reported "a bill to provide for the election of Coroners and County Treasurers;" which was read twice, and, on motion, was ordered to be engrossed and read a third time to-day.

Mr. Burt, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz:

An act for the establishment of Common Schools.

An act to provide for taking a census within the Territory of Michigan.

An act relating to the Society of Friends, usually called Quakers.

An act for the relief of Samuel Phelps.

An act allowing and regulating writs of attachment.

An act to annex a certain tract of country to the county of St. Clair.

An act making a certain appropriation.

An act regulating the fees of Judges of Probate.

An act to amend an act entitled 'an act relative to the City of Detroit.'

An act to provide for laying out a certain Road therein mentioned.

An act concerning Grand and Petit Jurors.

An act concerning the Supreme, Circuit, and County Courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein in certain cases; and a

Resolution relative to a glossary and index for the volume of Laws.

And the President signed the same.

Mr. Stockton, from the committee on the Judiciary, to whom was

referred a "Resolution relative to the Bank of Michigan," reported the same without amendment. Said resolution was then read the third time and passed.

The "bill relative to the adjournment of the Legislative Council," was taken up, read the third time and laid on the table.

The "bill for the inspection of Provisions, Fish, and Whiskey," was taken up and read the third time.

Mr. Irwin moved that the bill be amended by adding thereto a section, to stand as the 21st section; and the motion was agreed to.

Mr. Stockton moved that the words, "not exceeding three," be stricken from the 2d line of the 1st section; and the motion was agreed to. Mr. McDonell required the ayes and nays on the question, and they were taken as follows:

Ayes—Messrs. McDonell, Lacroix, Bunce, Connor, Edwards—7.

Nays—Messrs. Lawrence, Durocher, Burt, Stockton, Dole, Irwin, Forsyth—7.

Mr. Dole then moved that the word "one," be inserted in lieu of the words stricken out. The motion was agreed to; and the ayes and nays being required, they were taken as follows:

Ayes—Messrs. Lawrence, Durocher, Burt, Stockton, Dole, Irwin, Forsyth—7.

Nays—Messrs. McDonell, Lacroix, Bunce, Connor, Edwards—5.

The bill was then laid on the table.

Mr. Forsyth, from the committee on Claims, reported "a bill making certain appropriations to be paid out of the Territorial Treasury, for the year 1827;" and said bill was read the first time and laid on the table.

Mr. Forsyth, from the committee on Claims, made a report adverse to the claims of Thomas Knowlton; and said claims were then laid on the table.

On motion of Mr. Forsyth, the Council took a recess of one hour.

2 o'clock, P. M.

The "bill making certain appropriations to be paid out of the Territorial Treasury, for the year 1827," was taken up, read the second time, and considered in committee of the whole.

Mr. Forsyth moved that the bill be so amended, as to appropriate the sum of "eighty dollars and twenty-five cents," to Harry Conant; and the motion was agreed to.

Mr. Stockton moved that the bill be further amended, so as to appropriate "fifty-nine dollars," to Robert Abbott; and the motion was agreed to. The bill was then laid on the table.

The "bill providing for the inspection of Provisions, Fish, and Whiskey," was taken up, the question being on its passage. On motion, the question "shall the bill pass?" was then put, and was decided in the affirmative. The ayes and nays being required, they were taken as follows:

Ayes—Messrs. Lawrence, Durocher, Burt, Stockton, Dole, Irwin, Forsyth, Edwards—8.

Nays—Messrs. McDonell, Lacroix, Bunce, Connor—4.

The "bill to amend an act entitled 'an act for the establishment of the University of Michigan,'" was taken up, read the third time and passed.

The "bill to provide for the election of Coroners and County Treasurers," was taken up, read the third time and passed.

The "bill relative to the adjournment of the Legislative Council," was taken up in committee of the whole.

Mr. Forsyth moved to fill the blank in said bill with the words, "Friday the thirteenth of April;" and the motion was agreed to. The bill was then read the third time and passed.

Mr. Forsyth, from the committee on Claims, reported with amendments, "a bill making certain appropriations, to be paid out of the contingent fund." The amendments were accepted; and, on motion, the bill was then recommitted.

Mr. Burt moved that the Council reconsider the question taken yesterday, on postponing the "bill to provide for the election of the Members of the Legislative Council." The motion was agreed to; and the bill being again before the Council,

Mr. McDonell moved to amend the bill by striking out the word "four," in the 5th line of the 2d section, and inserting in lieu thereof the word "five." The motion was lost; and the ayes and nays being required, they were taken as follows:

Ayes—Messrs. McDonell, Dole, Irwin, Connor, Forsyth, Edwards—6.

Nays—Messrs. Lacroix, Lawrence, Durocher, Burt, Stockton, Bunce—6.

Mr. Lawrence then moved that the bill do now pass. The motion was decided in the negative; and the ayes and nays being required, they were taken as follows:

Ayes—Messrs. Lawrence, Burt, Bunce, Stockton, Edwards—5.

Nays—Messrs. McDonell, Lacroix, Durocher, Irwin, Dole, Connor, Forsyth—7.

So the bill was rejected.

The following Message from the Governor of the Territory, was received by the hands of Mr. Ch. U. Trowbridge:

MESSAGE.

To the Legislative Council:

I have signed the act for the relief of Samuel Phelps; but I have done it with some doubts, and with much reluctance. I am not entirely satisfied, that it is competent for the Legislature thus to interpose between the rights of the parties, and by a special act to grant a new trial seven years after judgment has been rendered, and when the defendant is in execution.

I am apprehensive also, that this act will open the way for future applications of a similar character, and that the final determination of suits will be thus indefinitely postponed. And what is perhaps

still more dangerous, that the investigation of facts will be transferred from the Courts of law, which by their powers and organisation are peculiarly adapted to the cautious discharge of this duty, to a tribunal which is constituted for the purpose of establishing general rules, rather than for the application of them to contending parties.

Having understood however that this power has been exercised by some of the State Legislatures, and that in a case before the Supreme Court of the United States, its exercise has been sanctioned by a judicial decision, I have yielded my assent to this particular case. But I owe to myself this expression of my sentiments and likewise the declaration, that I cannot foresee any possible circumstances, which will hereafter induce me, during my continuance in office, again to co-operate in a measure, which appears to me fraught with such dangerous consequences.

LEW. CASS.

Detroit, April 12, 1827.

The Message was read and laid on the table.

The "bill making certain appropriations from the Territorial Treasury, for the year 1827," was taken up, read the third time and passed.

The President announced that he had presented to the Governor of the Territory, for his signature, the bills reported yesterday and to-day from the committee of Enrolment, as correctly enrolled.

On motion of Mr. Dole, the Council then adjourned, to meet tomorrow, at 9 o'clock A. M.

FRIDAY, April 13, 1827.

Mr. Stockton moved that Jos. Campeau, William Brown, and others, have leave to withdraw their petition relative to "an act for the limitation of suits on penal statutes, criminal prosecutions, and actions at law." The motion was agreed to.

The "bill to provide for the distribution of the Laws of the Territory and of the United States," was taken up and passed.

Mr. Dole moved that the Council do now proceed to reconsider the "bill to provide for the inspection of lumber." The motion was decided in the negative.

Mr. Irwin, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz :

An act to provide for the inspection of Provisions, Fish, and Whiskey.

An act making certain appropriations to be paid out of the Territorial Treasury.

And the President signed the same.

Mr. Burt, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz :

A bill to incorporate the Stockholders of the Detroit Steam Mill Company.

A bill to amend "an act for the punishment of crimes."

A bill in amendment to the act entitled "an act to regulate the assessment and collection of Territorial taxes."

A bill to alter the term of the County Court of the County of Oakland.

A bill to provide for the assessment and collection of County and Township taxes.

A bill to amend an act for defraying the public and necessary charges within the respective counties in this Territory.

A bill concerning Executors and Administrators.

Also—A Resolution for printing certain Laws therein mentioned.

And the President signed the same.

Mr. Forsyth, from the committee on Territorial Affairs, reported "a bill to provide for the election of Members of the Legislative Council," which was read twice.

Mr. Lawrence moved that the bill be rejected, and the motion was decided in the affirmative. The ayes and nays being required, they were taken as follows :

Ayes—Messrs. Lacroix, Lawrence, Durocher, Burt, Stockton, Moseley, Bunce—7.

Nays—Messrs. McDonell, Dole, Irwin, Connor, Forsyth, Edwards—6.

The President announced that he had presented to the Governor of the Territory, for his signature, the acts which had been reported as correctly enrolled from the committee of Enrolment.

Mr. McDonell moved to reconsider the motion agreed to yesterday, to reject the "bill to provide for the election of Members of the Legislative Council;" and the motion was decided in the affirmative. The bill being again before the Council,

Mr. McDonell moved to strike out all after the enacting clause, and to insert in lieu thereof certain sections. The motion was decided in the negative ; and the ayes and nays being required, they were taken as follows :

Ayes—Messrs. McDonell, Dole, Irwin, Connor, Forsyth, Edwards—6.

Nays—Messrs. Lacroix, Lawrence, Durocher, Burt, Stockton, Moseley, Bunce—7.

On motion of Mr. Stockton, the question "shall the bill pass?" was then put, and was decided in the affirmative. So the bill passed ; and the ayes and nays being required, they were taken as follows :

Ayes—Messrs. McDonell, Lawrence, Burt, Stockton, Moseley, Bunce, Connor, Edwards—8.

Nays—Messrs. Lacroix, Durocher, Dole, Irwin, Forsyth—5.

The following Message, from the Governor of the Territory, was received by the hands of Mr. J. Kinzie :

To the Legislative Council :

I return without my signature the bill to provide for licensing billiard tables.

Without entering into any general considerations upon the subject, I can only observe, that the measure does not appear to be called for by the state of society in this Territory, nor by any expression of public opinion; and that it will be attended with consequences injurious to the habits and morals of the community.

LEW. CASS.

April 13, 1827.

The Message was read and laid on the table.

Mr. Forsyth, from the committee on Claims, to whom was re-committed "a bill making certain appropriations to be paid out of the contingent fund," reported said bill with amendments; and the bill was then taken up in committee of the whole.

Mr. Stockton moved that the sum appropriated for the Sergeant-at-Arms, be stricken out.

Mr. Forsyth moved to amend the motion, so as to strike out the sums appropriated to the Clerks. The motion to amend was lost; and the ayes and nays being called, they were taken as follows:

Ayes—Messrs. McDonell, Durocher, Irwin, Connor, Forsyth, Edwards—6.

Nays—Messrs. Lacroix, Lawrence, Stockton, Moseley, Dole, Bunce—6.

Mr. Stockton then renewed his motion to strike out, and it was agreed to by the following vote:

Ayes—Messrs. McDonell, Lawrence, Burt, Stockton, Moseley, Bunce, Connor, Edwards—8.

Nays—Messrs. Lacroix, Durocher, Dole, Irwin, Forsyth—5.

On motion of Mr. Dole, the Council took a recess of one hour.

2 o'clock, P. M.

A Message on Executive business was received from the Governor of the Territory, by the hands of Mr. Brush.

The following Message from the Governor of the Territory, was also received by the hands of Mr. Brush:

MESSAGE.

To the Legislative Council:

I return without my signature, the "bill for the inspection of Provisions, Fish, and Whiskey."

The requisitions of this bill are too general for a local law, and too limited for a general one. I am ignorant of any circumstances peculiar to the counties of Wayne and Washtenaw, which require such a law, and which are not applicable to other parts of the Territory. If there are none, and the law be advantageous, it ought to be extended to them. If it be injurious, it ought to extend no where.

Particular circumstances, no doubt frequently call for local laws. Acts of incorporation are of this character; and were it thought proper to confine the operation of this bill to the city of Detroit, I

should think it a salutary measure. In that event however, it appears to me it would be proper to give the particular regulations, as well as the appointment of the necessary officers, to the city authorities.

There are but two objects to be attained by inspection laws. One, and the most common object, in the United States, is to protect the quality of the article, that it may acquire a character at the place of sale. The other, is to protect the purchaser at home.

If the former be the object of this bill, there certainly are other counties in this Territory which may be expected to export provisions, and in which it may be equally important to provide for the quality of the provisions. Fish, which is an important article of exportation, both in St. Clair and Chippewa, is not required to be inspected in either of these counties, and yet Washtenaw, in which no fish are taken, forms part of an inspection district, from which that article cannot be exported without the examination of an Inspector.

If the object of this bill be to protect the purchaser at home, it should be extended to those counties which depend upon importation for their provisions. If Washtenaw is now found among them, it certainly will not be so long. These counties are Michillimackinac, Chippewa, Brown, and Crawford. But neither of them are embraced in the bill.

LEW. CASS.

April 13, 1827.

The Message was read and laid on the table.

Mr. Lawrence, from the committee on the Judiciary, reported with amendments, "a bill to repeal certain acts, and to prescribe the times, respectively, when certain other acts shall be in force and take effect." The amendments reported were accepted; and the bill was then considered in committee of the whole; and was subsequently read the third time and passed.

Mr. Burt, from the committee of Enrolment, reported as correctly enrolled, bills with the following titles, viz:

A bill to provide for the election of Members of the Legislative Council.

A bill to provide for the distribution of the Laws of the Territory of Michigan, and of the United States.

And the President signed the same.

Mr. McDonell announced that the Governor of the Territory had returned to the Council the "bill for the relief of Abraham Noyce," without his signature.

Mr. Dole moved a call of the Council. The call was sustained; and it was found that Messrs. Lacroix, Stockton, and Forsyth were absent. The Sergeant-at-Arms was directed by the President to require the attendance of the absent Members.

The "bill making certain appropriations to be paid out of the contingent fund," was taken up.

On motion of Mr. Lawrence, the sum of "one hundred and fifty dollars," was appropriated for the Sergeant-at-Arms.

Other amendments having been made to the bill, it was, on motion, read the third time and laid on the table.

On motion of Mr. Bunce, the Council then went into the consideration of Executive business; and having disposed of the same, Mr. Dole moved that the Council take a recess of one hour; and the motion was agreed to.

6 o'clock, P. M.

The "bill making certain appropriations to be paid out of the contingent fund," was taken up.

Mr. Burt moved that the sums appropriated to the Sergeant-at-Arms, and to the Door-keeper, be stricken out. The motion was agreed to.

Mr. Burt then moved, that the blanks made by striking out the sums appropriated to the Sergeant-at-Arms and the Door-keeper, be each filled by inserting the sum of "one hundred and eighty dollars," and the motion was agreed to. The ayes and nays being required, they were taken as follows:

Ayes—Messrs. McDonell, Durocher, Burt, Moseley, Dole, Bunce, Connor—7.

Nays—Messrs. Lawrence, Irwin, Forsyth, Edwards—4.

Mr. Forsyth then moved that the sums appropriated to E. A. Brush and R. S. Rice be stricken out; and the motion was agreed to.

Mr. Forsyth then moved that the sums appropriated to E. A. Brush and R. S. Rice, be, to each, "two hundred and twenty-five dollars." The motion was decided in the negative; and the ayes and nays being required, they were taken as follows:

Ayes—Messrs. Bunce, Forsyth—2.

Nays—Messrs. McDonell, Lawrence, Durocher, Burt, Moseley, Dole, Irwin, Connor, Edwards—9.

Mr. Connor moved that said sums be "two hundred dollars;" and the motion was decided in the negative.

Mr. Dole moved that the said sums be "one hundred and eighty dollars;" and the motion was agreed to.

Mr. Dole then moved that the following be added as an amendment to said bill, viz:

"For E. A. Brush, for extra services, _____ dollars.

"For R. S. Rice, for extra services, _____ dollars."

And the motion was agreed to.

Mr. Dole then moved that the blanks in the amendment last made, be filled by inserting in each, the words "fifty dollars;" and the motion was agreed to. The ayes and nays being required, they were taken as follows:

Ayes—Messrs. Burt, Moseley, Dole, Bunce, Connor, Forsyth—6.

Nays—Messrs. McDonell, Lawrence, Durocher, Irwin, Edwards—5.

Mr. Dole then moved that the bill do now pass. The motion was decided in the negative. The ayes and nays being required, they were taken as follows:

Ayes—Messrs. Burt, Moseley, Dole, Bunce, Connor—5.

Nays—Messrs. McDonell, Lawrence, Durocher, Irwin, Forsyth, Edwards—6.

Mr. Irwin then moved to refer the bill to a select committee of three Members; the motion was agreed to, and Messrs. Irwin, McDonell, and Burt, were appointed said select committee.

On motion of Mr. Lawrence, said select committee had leave of absence.

Mr. Burt, from the committee of Enrolment, reported as correctly enrolled, a bill entitled "an act to repeal certain acts, and to prescribe the times respectively, when certain other acts shall be in force and take effect." And the President signed the same.

The special committee, to whom was referred "a bill making certain appropriations to be paid out of the contingent fund," reported the same with amendments; and the amendments, on motion, were concurred in by the Council.

Mr. Forsyth then moved that the bill be amended by striking out the appropriation of \$2 00 for A. M. Robertson; and the motion was agreed to.

On motion, the question "shall the bill pass?" was then put, and was decided in the affirmative. Mr. Lawrence required the ayes and nays on the question; and they were taken as follows:

Ayes—Messrs. McDonell, Burt, Moseley, Dole, Bunce, Irwin, Connor, Forsyth—8.

Nays—Messrs. Durocher, Lawrence, Edwards—3.

Mr. McDonell moved that the Council reconsider the question taken to-day, on the passage of the "bill to provide for the election of Members of the Legislative Council." The motion was agreed to; and the ayes and nays being required, they were taken as follows:

Ayes—Messrs. McDonell, Durocher, Moseley, Dole, Irwin, Connor, Forsyth, Edwards—8.

Nays—Messrs. Lawrence, Burt, Bunce—3.

The bill being again before the Council,

Mr. McDonell moved that it be amended, by striking out all after the enacting clause, and substituting certain sections in lieu thereof; and the motion was agreed to. The ayes and nays being required, they were taken as follows:

Ayes—Messrs. McDonell, Durocher, Irwin, Connor, Dole, Forsyth, Edwards—7.

Nays—Messrs. Lawrence, Burt, Bunce, Moseley—4.

The bill having received further amendment, the question "shall the bill pass?" was put, and was decided in the affirmative. The ayes and nays being required, they were taken as follows:

Ayes—Messrs. McDonell, Durocher, Moseley, Dole, Irwin, Connor, Forsyth, Edwards—8.

Nays—Messrs. Lawrence, Burt, Bunce—3.

Mr. Burt, from the committee of Enrolment, reported as correct-

ly enrolled, a bill entitled "an act making certain appropriations, to be paid out of the contingent fund;" and the President signed the same.

On motion of Mr. Forsyth, the Council proceeded to the consideration of Executive business; and having disposed thereof,

Mr. Burt, from the committee of Enrolment, reported as correctly enrolled, a bill entitled "an act to apportion the Members of the Legislative Council among the several districts in this Territory;" and the President signed the same.

Mr. Irwin submitted the following resolution:

Resolved, That the President of this Council be authorised and required to make an equitable apportionment of the remainder of the contingent fund; unpaid, among the several persons whose claims are allowed in the appropriation act this day passed; except therefrom the sums appropriated to the officers of the Council for personal services, exclusive of the sums allowed for extra services.

On motion, the resolution was adopted.

The President announced, that he had presented to the Governor of the Territory, for his signature, the bills reported this day from the committee of Enrolment as being correctly enrolled.

A Message by Mr. Kipzie:

Mr. President—The Governor, on the 28th of March, signed and approved the "act making a certain appropriation, to be paid out of the Territorial Treasury."

And yesterday approved and signed the following acts:

An act directing the settlement of estates of persons deceased, and for the conveyance of real estates in certain cases.

An act concerning apprentices and servants.

An act to divide the several counties in this Territory into Townships, and for other purposes.

An act concerning divorces.

An act regulating general proceedings in criminal cases.

An act for the relief of Insolvent debtors.

An act concerning Auctioneers.

An act for the punishment of crimes.

An act to regulate Ferries.

An act for the prevention of frauds.

An act to restrain hawkers, pedlers, and petty chapmen, from selling without license.

An act to provide for the partition of lands.

An act to define the duties of County Treasurers.

An act empowering the Judge of Probate to appoint guardians to minors and others.

An act to prevent gaming.

An act to amend an act, entitled "an act concerning costs and fees."

An act concerning Notaries Public.

An act for the support and maintenance of illegitimate children.

An act to incorporate Medical Societies, for the purpose of regulating the practice of Physic and Surgery in the Territory of Michigan.

An act concerning depositions.

An act for the distribution of Insolvent estates.

An act to protect Missionary Societies in the Territory of Michigan, for the education of Indians and other persons of Indian habits.

An act concerning amendments and jeofails.

An act for the punishment of idle and disorderly persons.

- An act concerning Sheriffs.

An act to incorporate the village of Monroe.

An act concerning judgments and executions.

An act for regulating references, and determining controversies by arbitration.

An act to incorporate the Clinton River Navigation Company.

An act fixing the rate of toll for grinding.

An act directing the descent of intestate estates, and empowering the Judge of Probate to make partition in certain cases.

An act defining the mode of laying out and establishing Territorial Roads.

An act concerning Strays.

An act to amend an act entitled, "an act to organise the Militia."

An act concerning Mortgages.

An act concerning habitual drunkards, and to protect their estates.

An act to regulate the admission and practice of Attorneys and Counsellors at Law.

An act concerning fines, penalties and forfeitures.

An act to regulate Taverns.

An act to incorporate the Grand Lodge of the Territory of Michigan.

An act regulating Marriages.

An act to restrain unincorporated Banking Associations.

An act to regulate Weights and Measures.

An act concerning Coroners.

An act for providing and regulating prisons.

An act directing the mode of proceeding in Chancery.

An act to prevent unjust imprisonment, by securing the benefit of the writ of Habeas Corpus.

An act concerning deeds and conveyances.

An act to abolish the Board of County Commissioners, within the several counties of this Territory.

An act concerning Town Plats.

An act to provide for the taking a census of the inhabitants of this Territory.

An act to provide for the recording of Town Plats, and for other purposes.

R

An act to regulate and define the duties and powers of Justices of the Peace and Constables, in civil cases.

An act relative to the Attorney General.

An act to amend an act entitled "an act to divide the several counties in this Territory into Townships, and for other purposes."

An act for establishing Courts of Probate.

An act allowing and regulating writs of replevin.

An act to regulate Highways.

An act to provide for laying out a certain Road therein mentioned.

An act relating to the Society of Friends, usually called Quakers.

An act to amend an act entitled "an act relative to the City of Detroit."

An act for the relief of Samuel Phelps.

An act for the establishment of Common Schools.

An act allowing and regulating writs of attachment.

An act concerning Grand and Petit Juries.

An act making a certain appropriation.

An act to regulate the fees of Judge of Probate.

An act to annex a certain tract of country therein named to the county of St. Clair.

An act to provide for the election of a Delegate to the Congress of the United States.

And the Governor has this day approved and signed the following Acts and Resolutions:

An act to amend an act entitled "an act for the regulation of the White Fishery, in the Strait of Detroit and the River St. Clair."

An act to amend an act entitled "an act relative to the duties and privileges of Townships."

A Resolution relative to an index and marginal notes for the volume of Laws.

An act relative to the adjournment of the Legislative Council.

An act to regulate blacks and mulattoes, and to punish the kidnapping of such persons.

An act in addition to an act entitled "an act to regulate the assessment and collection of Territorial taxes."

An act to amend an act entitled "an act for the punishment of crimes."

An act to alter the term of the County Court of the county of Oakland.

A Resolution to provide for printing certain acts therein named.

An act making certain appropriations to be paid out of the Territorial Treasury, for the year 1827.

An act to amend an act entitled "an act for defraying the public and necessary charges in the respective counties in this Territory, and for other purposes."

An act to incorporate the Stockholders of the Detroit Steam Mill Company.

An act to provide for the assessment and collection of County and Township taxes.

An act concerning Executors and Administrators.

An act for the prevention of immoral practices.

A Resolution respecting the Bank of Michigan.

An act to amend an act entitled "an act to provide for the establishment of the University of Michigan."

An act for the relief and settlement of the Poor.

An act to provide for the distribution of the Laws of the Territory of Michigan, and of the United States.

An act concerning the Supreme, Circuit, and County Courts of the Territory of Michigan, defining their jurisdiction and powers, and directing the pleadings and practice therein in certain cases.

An act to provide for the election of Coroners and County Treasurers.

An act to repeal certain acts, and to prescribe the times respectively when certain other acts shall be in force and take effect.

An act to apportion the Members of the Legislative Council among the several districts of this Territory.

An act making certain appropriations to be paid out of the contingent fund.

Mr. Lawrence being in the Chair,

Mr. Dolé submitted the following resolution :

Resolved, That the thanks of this Council be given to the President thereof, for the able, independent and impartial manner in which he has discharged the duties required of him.

The resolution, on motion, was adopted ;

And the President having returned to the Chair, he rose and addressed the Council as follows :

Gentlemen of the Council :

The very flattering expressions contained in your resolution of this evening, approbatory of my conduct as your presiding officer, has made impressions on my mind, which time only can eradicate.

When I entered on the duties of the Chair, it was my fixed determination to perform them unbiassed, and as correctly as my best judgment would permit ; and that my conduct should meet your approbation, after two long and arduous sessions, is gratifying beyond my feeble powers of utterance to express ; and if I am equally fortunate in having my conduct approved by my fellow-citizens generally, I have attained what is mine, and what should be the most ardent wish of a Representative of the People.

I beg you, gentlemen, individually, to accept my thanks for the honor you have conferred on me ; and at the same time permit me to wish you all a safe return to your families, and prosperity and happiness through life.

Mr. Lawrence then moved, that the Council do now adjourn *sine die*.

The motion was decided in the affirmative ;

And the President declared the Council adjourned, *sine die*.

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